

WEDNESDAY, MAY 28, 1997

FORTY-EIGHTH LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Bob Mahaffey, Grace Church of the Nazarene, Nashville, Tennessee.

Representative Boner led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 97

Representatives present were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Rhinehart; illness

Representative Ritchie; personal reasons

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Resolution No. 115: Rep(s). Phelan and Curtiss as prime sponsor(s).

House Bill No. 90: Rep(s). Pleasant, Winningham, Haley and Turner (Hamilton) as prime sponsor(s).

House Bill No. 205: Rep(s). Davis and Winningham as prime sponsor(s).

House Bill No. 370: Rep(s). Pleasant, Pinion, Beavers, Scroggs, Hargett, Hassell, Goins, McDonald, Fitzhugh, Maddox, Turner (Hamilton), Bittle, Stulce, Mumpower, Walley, Halteman Harwell, Godsey, Roach, McDaniel and Haley as prime sponsor(s).

House Bill No. 371: Rep(s). McMillan, Jackson, McDonald, Bone, Sargent, Fitzhugh and Maddox as prime sponsor(s).

House Bill No. 387: Rep(s). Halteman Harwell, Haley, Beavers, Scroggs, Fitzhugh and Pleasant as prime sponsor(s).

House Bill No. 410: Rep(s). Langster as prime sponsor(s).

House Bill No. 595: Rep(s). Pinion as prime sponsor(s).

House Bill No. 597: Rep(s). Maddox and Fitzhugh as prime sponsor(s).

House Bill No. 674: Rep(s). Langster as prime sponsor(s).

House Bill No. 697: Rep(s). Patton, McDonald, Maddox, Jackson, Kisber, Davis, Eckles, Hood, Sands, Bone, Curtiss, Williams, Fowlkes, White, Windle, Clabough, Hargett, Kerr, Newton and Ford as prime sponsor(s).

House Bill No. 861: Rep(s). Ferguson, McDaniel, Kent, Cole (Carter), Turner (Hamilton) and Bittle as prime sponsor(s).

House Bill No. 1023: Rep(s). U. Jones as prime sponsor(s).

House Bill No. 1042: Rep(s). Fitzhugh, McDonald and Turner (Hamilton) as prime sponsor(s).

House Bill No. 1066: Rep(s). Fitzhugh as prime sponsor(s).

House Bill No. 1110: Rep(s). Hargett as prime sponsor(s).

House Bill No. 1220: Rep(s). Bittle and Boyer as prime sponsor(s).

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House Bill No. 1378: Rep(s). L. DeBerry, Pruitt, Rinks and Burchett as prime sponsor(s).

House Bill No. 1401: Rep(s). Sargent, Halteman Harwell, Bittle, Fraley, Ford, Fitzhugh and White as prime sponsor(s).

House Bill No. 1516: Rep(s). Fitzhugh, Maddox and McDaniel as prime sponsor(s).

House Bill No. 1680: Rep(s). Boner as prime sponsor(s).

House Bill No. 1758: Rep(s). Langster as prime sponsor(s).

House Bill No. 1759: Rep(s). Langster as prime sponsor(s).

House Bill No. 1793: Rep(s). Bittle and Boyer as prime sponsor(s).

House Bill No. 1794: Rep(s). Bittle and Boyer as prime sponsor(s).

House Bill No. 1822: Rep(s). Goins as prime sponsor(s).

SPONSORS REMOVED

On motion, Rep(s). Burchett was/were removed as sponsor(s) of **House Bill No. 1378**.

MESSAGE FROM THE SENATE

May 28, 1997

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 327; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 327 -- Memorials, Death - Thomas E. Fox, former State Senator and Deputy Attorney General. by *Henry, *Jordan.

MESSAGE FROM THE SENATE

May 28, 1997

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 315, 316 and 317; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 315 -- Memorials, Interns - Charles David Glover. by *Womack.

Senate Joint Resolution No. 316 -- Memorials, Interns - Tracy Lynn Dry. by *Jordan.

Senate Joint Resolution No. 317 -- Memorials, Professional Achievement - Eastman Wastewater Treatment Facility, Kentucky-Tennessee Water Environment Association Operational Excellence award. by *Ramsey.

AD HOC COMMITTEE APPOINTED

At the request of Rep. Tindell, Speaker Naifeh established an ad hoc committee of the Local Government Subcommittee to study the memo of understanding in Davidson County.

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for May 29, 1997:

House Resolution No. 119 -- Memorials, Personal Occasion - George & Gwen McFarland, 50th anniversary. by *Boner, *Robinson, *Pruitt, *Jones, S., *Arriola, *West, *Langster, *Odom, *Halteman Harwell.

House Joint Resolution No. 406 -- Memorials, Interns - Ameer Ali. by *Armstrong, *Pruitt, *Eckles.

**SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for May 29, 1997:

Senate Joint Resolution No. 315 -- Memorials, Interns - Charles David Glover. by *Womack.

Senate Joint Resolution No. 316 -- Memorials, Interns - Tracy Lynn Dry. by *Jordan.

Senate Joint Resolution No. 317 -- Memorials, Professional Achievement - Eastman Wastewater Treatment Facility, Kentucky-Tennessee Water Environment Association Operational Excellence award. by *Ramsey.

Senate Joint Resolution No. 327 -- Memorials, Death - Thomas E. Fox, former State Senator and Deputy Attorney General. by *Henry, *Jordan, *Atchley, *Burks, *Carter, *Cohen, *Cooper, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsea, *Ford J, *Fowler, *Gilbert, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Jordan, *Koella, *Kurita, *Kyle, *Leatherwood.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

***House Bill No. 2025** -- County Boundaries -- Previously referred to the House Calendar & Rules Committee

House Bill No. 2026 -- Cleveland -- Local Bill Held on House Desk

House Bill No. 2027 -- Byrdstown -- Local Bill Held on House Desk

House Bill No. 2028 -- Tullahoma -- Local Bill Held on House Desk

House Bill No. 2029 -- School Districts, Special -- Local Bill Held on House Desk

House Bill No. 2030 -- Murfreesboro -- Local Bill Held on House Desk

House Bill No. 2031 -- Bethel Springs -- Local Bill Held on House Desk

House Bill No. 2032 -- Nolensville -- Local Bill Held on House Desk

House Bill No. 2033 -- Scott County -- Local Bill Held on House Desk

House Bill No. 2034 -- Union County -- Local Bill Held on House Desk

REPORTS FROM STANDING COMMITTEES

The committees that met on **May 28, 1997**, reported the following:

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Supplemental Regular Calendar** for **May 28, 1997**: House Bill(s) No(s). 1023, 1255, 984, Senate Bill(s) No(s). 1621, 1402, House Resolution(s) No(s). 81, 89, Senate Joint Resolution(s) No(s). 54, 241, 234, 41.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **May 28, 1997**: Senate Joint Resolution(s) No(s). 300.

EDUCATION

The Education Committee recommended for passage: House Bill(s) No(s). 1123 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

FINANCE, WAYS AND MEANS

The Finance, Ways and Means Committee recommended for passage: House Bill(s) No(s). 2025 and Senate Joint Resolution(s) No(s). 246, also House Bill(s) No(s). 797 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

TRANSPORTATION

The Transportation Committee recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 1408 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

CONSENT CALENDAR

***House Bill No. 513** -- Minority Affairs - Enacts "Tennessee Minority Business Councils Cooperation Act of 1997." by *DeBerry J, *Bowers, *Turner (Shelby), *DeBerry L, *Brooks, *Langster. (SB964 by *Ford J, *Harper)

On motion, House Bill No. 513 was made to conform with **Senate Bill No. 964**; the Senate Bill was substituted for the House Bill.

House Bill No. 535 -- Tort Liability - Enacts "Tennessee Anti-SLAPP Act of 1997". by *Ritchie, *McMillan. (*SB396 by *Cohen)

On motion, House Bill No. 535 was made to conform with **Senate Bill No. 396**; the Senate Bill was substituted for the House Bill.

House Bill No. 756 -- Sexual Offenses - Prohibits records of sexual offender who has completed pretrial diversion program from being expunged; prohibits information on sexual offender from being removed from Sex Offender Registry if offender's records are expunged following diversion program. Amends TCA Title 40, Chapter 32, Part 1; Title 40, Chapter 35, Part 3 and Title 40, Chapter 39. by *Jackson, *Pleasant, *Haley, *Hargett. (*SB1367 by *Rochelle)

House Bill No. 811 -- Courts, General Sessions - Authorizes counties by 2/3 vote to increase local litigation tax for sole purpose of funding salary supplement to general sessions judges exercising juvenile jurisdiction that existed under prior salary schedule which was repealed in 1993. Amends TCA Section 16-15-5006. by *Beavers, *Bone. (*SB1105 by *Rochelle)

House Bill No. 1378 -- Education - Sets kindergarten age at five and mandatory school attendance age at six rather than seven years of age; exempts certain home school or non-public school students. Amends TCA Title 49, Chapter 6, Part 30. by *Towns, *Jones U (Shelby), *Cooper B, *DeBerry J, *Miller L, *Pleasant, *Turner (Shelby), *Haley, *Scroggs, *Hargett, *Chumney. (*SB901 by *Dixon, *Graves, *Crutchfield)

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House Bill No. 1759 -- Insurance Companies, Agents, Brokers - Phases out remaining liability for excise and franchise taxes due after application of credit given to insurance companies for premium taxes paid; 20% reduction of remaining liability to begin in 1998, increased by 20% per year to full credit in 2002. Amends TCA Sections 56-4-217, 67-4-808(1) and 67-4-908(a). by *Kisber, *Turner (Hamilton), *Westmoreland. (*SB274 by *Rochelle)

Senate Bill No. 1989 -- Cheatham County - Subject to local approval, authorizes privilege tax on new residential development. by *Kurita. (HB1980 by *Williams (Williamson), *Davidson)

House Bill No. 2022 -- Dickson - Subject to local approval, merges and creates governing body for water and wastewater system of city of Dickson and water system of Turnbull utility district. by *Jackson. (SB2037 by *Springer)

House Bill No. 2023 -- Cleveland - Subject to local approval, establishes as requirement for eligibility to vote in city elections that non-resident property owners must own parcel of at least 5,000 square feet. Amends Chapter 78 of the Private Acts of 1993, as amended. by *Bird. (SB2034 by *Miller J)

House Bill No. 2024 -- Rhea County - Grants juvenile and domestic relations jurisdiction to general sessions court. - Repeals Chapter 67 of the Private Acts of 1981, as amended. by *Walker. (SB2033 by *Elsa)

House Joint Resolution No. 390 -- Memorials, Personal Occasion - Frannie Braden Walker, 100th birthday. by *Sands, *Fowlkes.

House Joint Resolution No. 391 -- Memorials, Recognition and Thanks - Robert Gilbert and James McKee. by *Sands, *White.

House Joint Resolution No. 392 -- Memorials, Recognition and Thanks - Ewing P. "Pat" Troope, Jr. by *Sands.

House Joint Resolution No. 393 -- Memorials, Recognition and Thanks - Radio station WKRM, Columbia. by *Sands, *White.

House Joint Resolution No. 394 -- Memorials, Interns - Nathan Ward. by *Naifeh.

House Joint Resolution No. 395 -- Memorials, Interns - Monica Johnson, Intern for House Speaker Jimmy Naifeh. by *Naifeh.

***Senate Joint Resolution No. 32** -- Naming and Designating - "Ranger Dick Huddleston Cedar Forest Lodge," Cedars of Lebanon State Recreational Park. by *Rochelle.

***Senate Joint Resolution No. 53** -- Memorials, Congress - Memorializes Congress to appropriate funding for replacement of Chickamauga Lock. by *Atchley, *Fowler, *Elsa, *Cooper, *Koella, *Miller J, *McNally, *Williams, *Ramsey, *Gilbert, *Crutchfield, *Davis L, *Crowe.

***Senate Joint Resolution No. 139** -- General Assembly, Directed Studies - Directs TACIR to study differential sales tax rates, job and revenue loss and other relevant tax issues. by *Crutchfield.

***Senate Joint Resolution No. 217** -- General Assembly, Confirmation of Appointment - Dr. Semella Junior Spence, Registry of Election Finance. by *Harper.

Senate Joint Resolution No. 231 -- General Assembly, Confirmation of Appointment - Robert J. Booker, Registry of Election Finance. by *Gilbert.

***Senate Joint Resolution No. 233** -- General Assembly, Confirmation of Appointment - Karen Dunavant, Registry of Election Finance. by *Person, *Kyle, *Leatherwood, *Cohen, *Dixon, *Ford J, *Henry.

Senate Joint Resolution No. 322 -- Naming and Designating - "Leda Herron Day," May 28, 1997. by *Davis L.

OBJECTION -- CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent Calendar:

House Bill No. 1378: by Rep. Towns

House Bill No. 1759: by Rep. Windle

Senate Bill No. 1989: by Rep. Head

Under the rules, House Bill No(s): 1378, 1759 and Senate Bill No. 1989 was/were placed at the foot of the Regular calendar for May 29, 1997.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes.....	94
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce,

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Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

REGULAR CALENDAR

House Bill No. 850 -- Traffic Safety - Excuses driver from use of child passenger restraint system if use of system makes injury to child likely. Amends TCA Title 55, Chapter 9, Part 6. by *Kisber. (*SB1463 by *Cooper)

Further consideration of House Bill No. 850, previously considered on May 14, 1997, and reset to today's Calendar.

Rep. Kisber moved that House Bill No. 850 be re-referred to the Committee on Calendar & Rules, which motion prevailed.

***House Bill No. 425** -- Contractors - Revises fee for retirement of general contractor's license from \$25.00 to fee to be set by board. Amends TCA Title 62, Chapter 6. by *Head. (SB614 by *Carter)

Further consideration of House Bill No. 425, previously considered on May 19, 1997, and reset to today's Calendar.

Rep. Head moved that House Bill No. 425 be re-referred to the Committee on Calendar & Rules, which motion prevailed.

***House Bill No. 507** -- Insurance, Motor Vehicles - Prohibits cancellation or annulment of motor vehicle insurance policy absent finding of fault on part of insured. Amends TCA Section 55-12-122. by *DeBerry J. (SB965 by *Ford J)

Further consideration of House Bill No. 507, previously considered on May 21, 1997, and reset to today's Calendar.

On motion, House Bill No. 507 was made to conform with **Senate Bill No. 965**; the Senate Bill was substituted for the House Bill.

Rep. J. DeBerry moved that Senate Bill No. 965 be passed on third and final consideration.

On motion, Rep. Phelan withdrew Commerce Committee Amendment No. 1.

Rep. J. DeBerry moved that **Senate Bill No. 965** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

***House Bill No. 371** -- Anatomical Gifts - Makes certain changes to anatomical gifts provisions; updates uniform laws in this area. Amends TCA Title 68, Chapter 30. by *Williams (Williamson). (SB1241 by *Herron, *Haynes, *Williams)

Further consideration of House Bill No. 371, previously considered on May 22, 1997, and reset to today's Calendar.

Rep. Williams moved that House Bill No(s). 371 be reset as the first bill after the noon break on the Regular Calendar on Wednesday, May 28, 1997, which motion prevailed.

***House Bill No. 1680** -- Alcoholic Offenses - Increases criminal penalties for beer sales to minors Amends TCA Title 57, Chapter 5, Part 3. by *Burchett. (SB1822 by *Gilbert, *Person, *McNally)

Further consideration of House Bill No. 1680, previously considered on May 15, 1997, May 19, 1997, May 22, 1997, and reset to today's Calendar.

On motion, House Bill No. 1680 was made to conform with **Senate Bill No. 1822**; the Senate Bill was substituted for the House Bill.

Rep. Burchett moved that Senate Bill No. 1822 be passed on third and final consideration.

Rep. Burchett moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 1822 by deleting Section 2, as amended, in its entirety and by substituting instead the following language:

SECTION 2. Tennessee Code Annotated, Section 57-5-301(d)(3)(A), is amended by deleting from the first sentence the language "fifty dollars (\$50.00) or not less than twenty (20) hours of community service work," and by substituting instead the language "not less than fifty dollars (\$50.00) nor more than two hundred fifty dollars (\$250.00), or not less than twenty (20) hours of community service work, or both,".

On motion, Amendment No. 1 was adopted.

Rep. Burchett moved that **Senate Bill No. 1822**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 1124 -- Health - Requires commissioner of health to compile list of all doctors and pharmacists who contract with MCOs and make list available to public. Amends TCA Title 4; Title 56; Title 68 and Title 71. by *Chumney, *Eckles. (*SB979 by *Ford J)

Further consideration of House Bill No. 1124, previously considered on May 22, 1997, and reset to today's Calendar.

Rep. Chumney moved that House Bill No. 1124 be passed on third and final consideration.

On motion, Rep. Phelan withdrew Commerce Committee Amendment No. 1.

Rep. Chumney moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 1124 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 71, Chapter 1, is amended by adding Sections 2 through 8 of this act as a new part:

SECTION 2. This act shall be known and may be cited as the "TennCare Drug Formulary Accountability Act".

SECTION 3. The Bureau of TennCare (hereinafter referred to as the Bureau) shall have conducted, by an entity other than the Department of Health, a clinical analysis of the drug formulary of each managed care organization (hereinafter referred to as MCO) and each behavioral health organization (hereinafter referred to as BHO) which has a TennCare contract, to assure that the formulary of each MCO and/or BHO is therapeutically sound. Such study shall:

(1) Provide for input by a medical and pharmaceutical advisory committee comprised of persons not employed by the State of Tennessee, MCOs, BHOs or pharmacy benefits managers (hereinafter referred to as PBMs) responsible for the current formularies. Participants shall have no business related conflict of interest. Participation by TennCare health practitioners shall not constitute a conflict of interest. Nothing contained in this section shall be construed or interpreted to prohibit the inclusion of persons employed by state universities from participation on the committee;

(2) Be completed no later than December 15, 1997; and

(3) Be reported, upon completion, to the legislative TennCare Oversight Committee (hereinafter referred to as the Oversight Committee).

SECTION 4. The Bureau, with input from the TennCare Pharmaceutical Care Advisory Board, created pursuant to Section 5 of this act, shall develop a process for MCO and BHO formulary development and management. If a PBM is utilized, the MCO and/or BHO shall require that the PBM utilize the same process for development and management of the formulary. The process developed pursuant to this section shall meet the following requirements:

(1) There shall be an advisory committee for each MCO and/or BHO whose purpose shall be to provide input into the development and management of a drug formulary used by the MCO, BHO OR PBM. The MCO and/or BHO shall retain initial decision making authority with respect to issues affecting the MCO's or BHO's formulary. Provided, however, the Bureau of TennCare shall retain final decision making authority with respect to the formulary of each MCO and/or BHO and may require additions or changes in the formulary as the Bureau deems appropriate and necessary.

(A) Every MCO and BHO shall have a mechanism in place to assure that practicing TennCare prescribers (including physician primary care providers, physician specialists, non-physician primary care practitioners and non-physician prescribers), and pharmacists have input into the development and updating of the formulary through the advisory committee.

(B) The advisory committee shall consist of individuals who are not owners of the MCO, BHO or PBM and who have no business related conflict of interest.

(C) A current list of advisory committee members shall be on file with the Bureau and the Board of Pharmacy. The Bureau of TennCare may require changes in the membership of the advisory committee as necessary to promote effectiveness of the advisory committee.

(2) The process shall delineate the factors that should be considered and the factors, if any, that may not be considered in decisions affecting the formulary.

(3) Describe the minimum frequency for formulary revisions;

(4) Describe the minimum frequency for disclosure of formulary information to TennCare physicians and other prescribers.

(5) Describe required data collection, verification, and reporting by MCOs and BHOs to the Bureau;

(6) Each MCO shall have the advisory committee required pursuant to this section established no later than December 15, 1997; and

(7) If the Bureau of TennCare determines that an MCO or BHO is not in compliance with the designated process, the Bureau shall require the MCO and BHO to allow prescribers to prescribe using an open formulary until such time as the MCO or BHO can demonstrate to the satisfaction of the Bureau of TennCare that the MCO or BHO has achieved compliance. The Bureau of TennCare shall provide reasonable advance notice to the MCO or BHO of any directive by the Bureau of TennCare to operate an open formulary pursuant to the provisions of this section.

SECTION 5. The TennCare Pharmaceutical Care Advisory Board shall be a statewide independent board, appointed by the Commissioner of Health.

(a) Membership shall include:

(1) Two (2) practicing TennCare pharmacists who practice at pharmacy practice sites as defined by the Tennessee Board of Pharmacy, selected from a list submitted by the decision making board of the Tennessee Pharmacists Association.

(2) Five (5) individuals licensed and actively engaged in the practice of medicine in Tennessee under Title 63, Chapter 6, and who are TennCare practitioners, selected from a list submitted by the Tennessee Medical Association. At least one

(1) of these individuals shall be a primary care physician. At least one (1) of these individuals shall be actively engaged in the provision of mental health and/or substance abuse services. At least one (1) of these individuals shall be a pediatrician.

(3) One (1) individual with expertise in therapeutic pharmacology who is neither a practicing physician nor a practicing pharmacist, selected from a list submitted by the Pharmaceutical and Research Manufacturers of America. This individual shall be a resident of the state of Tennessee.

(4) One (1) individual with expertise in managed health care selected from a list submitted by the Tennessee Association of HMOs.

(b) Members shall not be government employees and shall have no business related conflict of interest. Participation by TennCare health practitioners shall not constitute a conflict of interest.

(c) The commissioner of health may reject any or all recommendations, in which case the nominating process shall continue until appointments are finalized by the Commissioner.

(d) The initial list of nominees shall be submitted to the commissioner of health by September 1, 1997; final appointments shall be no later than October 1, 1997.

(e) Members shall be appointed for three (3) year terms, and initial appointments shall be staggered.

(f) The Commissioner of Health in making appointments to the Board shall do so with a conscious intention of selecting a body that reflects a diverse mixture with respect to race and gender. If the nominees of any group do not reflect the diversity of the state's population the commissioner may reject the entire list of such group and require the group to resubmit its list of nominees.

(g) In addition to providing assistance to the Bureau of TennCare in developing a process for MCO and BHO formulary development and management as described in Section 4, the TennCare Pharmaceutical Care Advisory Board shall provide assistance to the Bureau of TennCare in the following areas:

- (1) solicitation of input from patients and other parties affected by MCO and BHO decisions;
- (2) evaluation of new drugs and biologics;
- (3) restrictions on access to medications; and
- (4) override of access restrictions.

(h) The purpose of the Advisory Board is to provide advice and input to the Bureau of TennCare with respect to drug formulary issues. The Bureau of TennCare shall retain decision making authority with respect to all issues affecting the TennCare program.

SECTION 6. The Bureau shall require any MCO or BHO utilizing a restricted formulary to include in its prior approval and medical necessity procedures the following:

(a) The initial denial of a prescriber's request for coverage of a drug may be made by a physician reviewer or a non-physician health care professional operating in accordance with a physician approved protocol.

(b) The prescriber must have the opportunity to appeal an initial denial by a faxed request for appeal, stating the reason(s) for requesting the drug and attaching any information the prescriber wishes to have considered.

SECTION 7. The Bureau shall review the pharmacy benefits information distributed by MCOs and BHOs to enrollees. The MCOs and BHOs shall inform enrollees at the next printing of the member handbook that prescription drugs are available and shall include each of the following items:

(1) Limitations - Unless an open formulary is used, the information shall mention that the formulary used may require prior authorization or proof of medical necessity before a patient can obtain certain medications, even if the medications are prescribed by the patient's physician.

(2) Exclusions - The information shall mention examples of drugs that are excluded (e.g. over-the-counter drugs and drugs for cosmetic purposes).

(3) Deductibles and co-payments, if applicable should be mentioned in the pharmacy benefits section.

(4) Special Fees - The notice should inform enrollees they may be required to pay for medications that are not approved by the MCO or BHO.

SECTION 8. This act shall take effect upon becoming law, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Rep. Chumney moved that **House Bill No. 1124**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 1836 -- Alcoholic Beverages - Revises residency requirements to obtain retail license for sale of alcoholic beverages. Amends TCA Section 57-3-204. by *Tindell, *Phelan, *West. (*SB561 by *Rochelle)

Rep. Tindell moved that **House Bill No. 1836** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 88
Noes 6
Present and not voting..... 2

Representatives voting aye were: Armstrong, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Gunnels, Halteman-Harwell, Hargett,

Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, Whitson, Williams, Winningham, Wood, Mr. Speaker Naifeh -- 88.

Representatives voting no were: Curtiss, Godsey, Goins, Haley, Lewis, Windle -- 6.

Representatives present and not voting were: Arriola, White -- 2.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from aye to no on House Bill No. 1836 and have this statement entered in the Journal: Rep(s). Beavers and McDonald.

REGULAR CALENDAR, CONTINUED

***House Bill No. 1996** -- Regional Authorities - Expands jurisdiction of Carroll County Watershed Authority Amends TCA. by *Phelan, *Maddox. (SB2008 by *Carter)

On motion, House Bill No. 1996 was made to conform with **Senate Bill No. 2008**; the Senate Bill was substituted for the House Bill.

Rep. Phelan moved that Senate Bill No. 2008 be passed on third and final consideration.

On motion, Rep. Kisber withdrew Finance, Ways & Means Committee Amendment No. 1.

Rep. Phelan moved that **Senate Bill No. 2008** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	97
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips,

Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 209 -- Education - Provides for guardian as well as parent to receive copy of report card. Amends TCA Title 49, Chapters 1 -- 6. by *Davidson. (*SB25 by *Womack)

Rep. Davidson requested that House Bill No. 209 be moved to the heel of the Calendar.

MOTION TO SUSPEND THE RULES

Rep. Brown moved to suspend House Rules No(s). 68, 69 and 70 to allow the House to go into the Committee of the Whole.

Rep. Hargrove moved that the motion to suspend House Rules No(s). 68, 69 and 70 be tabled, which motion prevailed by the following vote:

Ayes	87
Noes	6
Present and not voting	1

Representatives voting aye were: Arriola, Beavers, Bird, Bittle, Bone, Boner, Boyer, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 87.

Representatives voting no were: Brooks, Brown, Cooper, Pruitt, Towns, Turner (Shelby) -- 6.

Representatives present and not voting were: Armstrong -- 1.

REGULAR CALENDAR, CONTINUED

House Bill No. 205 -- Education - Changes references to "superintendent," "county superintendent," "county superintendent of public instruction," or similar terms to "director of schools." Amends TCA Title 49, by "Davidson. ("SB23 by "Womack)

Rep. Davidson moved that House Bill No. 205 be passed on third and final consideration.

Rep. Davidson moved adoption of Education Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 205 by deleting Sections 1 through 3 of the printed bill and substituting the following:

SECTION 1. Tennessee Code Annotated, Section 49-1-211, is amended by deleting subdivision (6) of subsection (a) and substituting instead the following:

(6) A comparison of expenditures by category and program for each school system with statewide averages.

SECTION 2. Tennessee Code Annotated, Section 49-1-602, is amended by inserting in subsection (a) before the words "on probation" the words "on notice for one year or"; by deleting from subsection (b) the word "probationary"; and by deleting from subsection (c) the first sentence and inserting instead the following sentence:

During the year on notice, the department of education and the office of education accountability established in Tennessee Code Annotated, Section 4-3-308, will jointly study the school or system.

Tennessee Code Annotated, Section 49-1-602, is further amended by inserting after the end of the second sentence of subsection (c) the words and punctuation

"The commissioner may require the school or school system to incorporate the recommendations into its school improvement plan."; by deleting from the third sentence of subsection (c) the words "in the first year" and inserting instead the words

"by the end of the first year on notice"; by deleting from subsection (c) the words "will remain" and inserting instead the words "may be placed"; and by adding to subsection (c) after the words and punctuation "on probation" the words and punctuation "While a school or system is on probation, the commissioner may restrict the discretionary powers of the director of schools or of the local board of education to ensure implementation of the recommendations from the joint study."

SECTION 3. Tennessee Code Annotated, Section 49-1-608, is amended by deleting the dates "1998-1999" and substituting the dates "1999-2000".

SECTION 4. Tennessee Code Annotated, Section 49-6-3050, is amended in subdivision (b)(5)(A) by deleting the word, figure, and comma "two (2),".

SECTION 5. Tennessee Code Annotated, Section 49-6-3050(b)(5)(B), is amended by deleting the words and figure "grades two (2) and" and by substituting the word "grade".

SECTION 6. Tennessee Code Annotated, Title 49, Chapter 6, Part 60, is amended by adding the following new sections:

Section 49-6-6002. No state mandated test shall be conducted earlier than the third (3rd) grade.

Section 49-6-6003. A comprehensive writing assessment shall be conducted in grades four (4), seven (7), and eleven (11).

SECTION 7. This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. Boyer moved the previous question on Amendment No. 1, which motion prevailed.

On motion, Amendment No. 1 was adopted.

Rep. McKee moved the previous question, which motion prevailed.

Rep. Davidson moved that **House Bill No. 205**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	80
Noes	12
Present and not voting	2

Representatives voting aye were: Armstrong, Arriola, Bird, Bittle, Bone, Boner, Bowers, Boyer, Buck, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Gunnels, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Kent, Kernell, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Towns, Turner (Hamilton), Turner (Shelby), Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Mr. Speaker Naifeh -- 80.

Representatives voting no were: Beavers, Burchett, Dunn, Godsey, Goins, Haley, Halteman-Harwell, Kerr, Mumpower, Tindell, Walley, Wood -- 12.

Representatives present and not voting were: Brooks, Stamps -- 2.

A motion to reconsider was tabled.

***House Bill No. 146** -- Unemployment Compensation - Provides that payments in lieu of premiums be paid in 30 business days rather than 30 calendar days Amends TCA Title 50, Chapter 7, by *Hargrove, *Odom. (SB717 by *Rochelle)

Rep. Hargrove moved that House Bill No. 146 be passed on third and final consideration.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:
Amendment No. 1

AMEND House Bill No. 146 by deleting all language following the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 50-7-503(a)(3), is amended by deleting the language "subdivisions (a)(1) and (2)" and by substituting instead the language "subdivisions (a)(1), (a)(2) and (a)(4)(D)".

Section 2. Tennessee Code Annotated, Section 50-7-503(a)(4), is amended by deleting the word "and" at the end of subdivision (B), by changing the period at the end of subdivision (C) to a semicolon, by adding the word "and" at the end of subdivision (C), and by adding the following new subdivision:

(D) Purposes specified in the general appropriations act.

Section 3. The provisions of this act shall take effect upon becoming law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 2 as follows:
Amendment No. 2

AMEND House Bill No. 146 by deleting Section 3 in its entirety and by substituting instead the following:

Section 3. This act shall take effect upon becoming a law, the public welfare requiring it and shall be repealed on July 1, 1998.

On motion, Amendment No. 2 was adopted.

Rep. Hargrove moved that **House Bill No. 146**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 91

Noes 1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Buck, Burchett, Caldwell, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

Representatives voting no were: Turner (Shelby) -- 1.

A motion to reconsider was tabled.

***House Bill No. 1986** -- Criminal Procedure - Imposes administrative fee to be assessed at time of appointment of counsel to represent indigent adult or child charged with criminal conduct; provides for adjustment and collection of such fee. Amends TCA Title 37, Chapter 1; Title 40, Chapter 14 and Title 40, Chapter 35. by *Hargrove. (SB1993 by *Kyle, *Person)

Rep. Hargrove moved that House Bill No. 1986 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1986 by deleting all language following the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 40-14-103, is amended by designating the current language as subsection "(a)" and by adding the following new language, to be designated as subsection "(b)":

(b)

(1) A defendant, who is provided with court-appointed counsel, shall be assessed by the court at the time of appointment a nonrefundable administrative fee in the amount

of fifty dollars (\$50). The administrative fee shall be assessed only one time per case and shall be waived or reduced by the court upon a finding that the defendant lacks financial resources sufficient to pay the fee in such amount. The fee may be increased by the court to an amount not in excess of two hundred dollars (\$200) upon a finding that the defendant possesses sufficient financial resources to pay the fee in such increased amount. The administrative fee shall be payable, at the court's discretion, in a lump sum or in installments; provided, however, the fee shall be paid prior to disposition of the case or within two (2) weeks following appointment of counsel, whichever shall first occur. Prior to disposition of the case, the clerk of the court shall inform the judge whether the administrative fee assessed by the court has been collected. Failure to pay the administrative fee assessed by the court shall not reduce or in any way affect the rendering of services by court-appointed counsel; provided, however, the defendant's willful failure to pay such fee may be considered by the court as an enhancement factor when imposing sentence if the defendant is found guilty of criminal conduct.

(2) The administrative fee shall be separate from and in addition to any other contribution or recoupment assessed pursuant to law for defrayal of costs associated with the provision of court-appointed counsel. The clerk of the court shall retain a commission of five percent (5%) of each dollar of administrative fees collected and shall transmit the remaining ninety-five percent (95%) of each such dollar to the state treasurer for deposit in the state's general fund.

(3) If the administrative fee is not paid prior to disposition of the case, then the fee shall be collected in the same manner as costs are collected; provided, however, upon disposition of the case, moneys paid to the clerk, (including any cash bond posted by the defendant), shall be allocated to taxes, costs and finds and then to the administrative fee and any recoupment ordered. The administrative fee and any recoupment or contribution ordered for the services of court-appointed counsel shall apply and shall be collected even if the charges against the defendant are dismissed.

(4) As part of the clerk's regular monthly report, each clerk of court, who is responsible for collecting administrative fees pursuant to this section, shall file a report with the court and with the director of the Tennessee administrative office of the courts. The report shall indicate the following:

(A) Number of defendants for whom the court appointed counsel;

(B) Number of defendants for whom the court waived the administrative fee;

(C) Number of defendants from whom the clerk collected administrative fees;

(D) Total amount of commissions retained by the clerk from such administrative fees; and

(E) Total amount of administrative fees forwarded by the clerk to the state treasurer.

SECTION 2. Tennessee Code Annotated, Section 37-1-126, is amended by adding the following language as a new, appropriately designated subsection:

()

(1) A child, who is provided with court-appointed counsel pursuant to this section, shall be assessed by the court at the time of appointment a nonrefundable administrative fee in the amount of fifty dollars (\$50). The administrative fee shall be assessed only one time per case and shall be waived or reduced by the court upon a finding that the child and the child's parents or legal guardians lack financial resources sufficient to pay the fee in such amount. The fee may be increased by the court to an amount not in excess of two hundred dollars (\$200) upon a finding that the child or the child's parents or legal guardians possess sufficient financial resources to pay the fee in such increased amount. The administrative fee shall be payable, at the court's discretion, in a lump sum or in installments; provided, however, the fee shall be paid prior to disposition of the case or within two (2) weeks of appointment of counsel, whichever shall first occur. Prior to disposition of the case, the clerk of the court shall inform the judge whether the administrative fee has been collected. Failure to pay the administrative fee assessed by the court shall not reduce or in any way affect the rendering of services by court-appointed counsel; provided, however, willful failure to pay such fee may be weighed by the court when determining appropriate disposition of the child if the court finds that the child engaged in delinquent or unruly conduct and is, therefore, in need of treatment and/or rehabilitation.

(2) The administrative fee shall be separate from and in addition to any other contribution or recoupment assessed pursuant to law for defrayal of costs associated with the provision of court-appointed counsel. The clerk of the court shall retain a commission of five percent (5%) of each dollar of administrative fees collected and shall transmit the remaining ninety-five percent (95%) of each

such dollar to the state treasurer for deposit in the state's general fund.

(3) If the administrative fee is not paid prior to disposition of the case, then the fee shall be collected in the same manner as costs are collected; provided, however, upon disposition of the case, moneys paid to the clerk, (including any cash bond posted by or on behalf of the child), shall be allocated to taxes, costs and fines and then to the administrative fee and any recoupment ordered. The administrative fee and any recoupment or contribution ordered for the services of court-appointed counsel shall apply and shall be collected even if the charges against the child are dismissed.

(4) As part of the clerk's regular monthly report, each clerk of court, who is responsible for collecting administrative fees pursuant to this section, shall file a report with the court and with the director of the Tennessee administrative office of the courts. The report shall indicate the following:

(A) Number of children for whom the court appointed counsel pursuant to this section;

(B) Number of children for whom the court waived the administrative fee;

(C) Number of children from, or on behalf of, whom the clerk collected administrative fees;

(D) Total amount of commissions retained by the clerk from such administrative fees; and

(E) Total amount of administrative fees forwarded by the clerk to the state treasurer.

SECTION 3. Tennessee Code Annotated, Section 40-35-114, is amended by adding the following language as a new, appropriately numbered item:

() The defendant, who was provided with court-appointed counsel, willfully failed to pay the administrative fee assessed pursuant to § 40-14-103(b)(1).

SECTION 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 5. This act shall take effect July 1, 1997, the public welfare requiring it, and shall apply to appointment of counsel occurring on or after such date.

On motion, Amendment No. 1 was adopted.

Rep. Hargrove moved that **House Bill No. 1986**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 95
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

***House Bill No. 1796** -- Budget Procedures - Directs transfer of \$1.6 million remaining in Health Access Incentive Account as of June 30, 1996, to general fund. Amends TCA Section 66-29-151(a). by *McDaniel, *Kisber, *Stamps, *Davis R. (SB1939 by *Atchley, *McNally, *Koella, *Ramsey, *Carter, *Elsea, *Person, *Leatherwood, *Crowe)

Rep. McDaniel moved that House Bill No. 1796 be passed on third and final consideration.

Rep. Armstrong moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1796 by deleting in its entirety all the language following the enacting clause, and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Section 66-29-151(a), is amended by adding the following language at the end of the sub-section:

Notwithstanding any language in this section to the contrary, the sum of \$800,000 which remained in the Health Access Incentive Account on June 30, 1996, shall be transferred to the general fund, and the sum of \$800,000.00 of such funds shall be transferred to the

general fund to be earmarked and appropriated for the administering of the Area Health Education Centers. Such earmarked amount shall not revert to the general fund but shall be expended only for such earmarked purposes. Notwithstanding the provisions of §66-29-121 to the contrary, at the end of each fiscal year \$1,500,000.00 of the \$2,000,000.00 earmarked for the health access incentive account created by this section shall be transferred to the general fund and earmarked and appropriated for the administering of the Area Health Education Centers.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 1796 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not be construed to be an appropriation of funds and no funds shall be obligated or expended pursuant to this act unless such funds are specifically appropriated by the general appropriations act.

Rep. Armstrong moved that Amendment No. 2 be tabled, which motion failed.

On motion, Amendment No. 2 was adopted.

Rep. McDaniel moved that **House Bill No. 1796**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	84
Noes	11

Representatives voting aye were: Armstrong, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones U., Kent, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Patton, Phelan, Phillips, Pinion, Pleasant, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Wood, Mr. Speaker Naifeh -- 84.

Representatives voting no were: Arriola, Brooks, Cross, Jones S., Kernell, Odom, Ridgeway, Towns, Turner (Shelby), Windle, Winningham -- 11.

A motion to reconsider was tabled.

House Bill No. 1606 -- Hospitals and Health Care Facilities - Requires that freezer air temperatures in health care facilities never exceed 15 degrees F; replaces "intermediate care facility" with "nursing facility." Amends TCA Title 68, Chapter 11 and Title 71, Chapter 5. by *McDaniel, *Stamps, *Gunnels, *Rinks, *Cole (Dyer), *Kisber, *Walley, *Wood. (*SB357 by *Cooper)

Rep. McDaniel moved that House Bill No. 1606 be passed on third and final consideration.

Rep. Armstrong moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1606 by deleting all language after the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 68-11-216, is amended by deleting subdivision (d)(2) and substituting the following:

(2) Effective for two (2) years beginning July 1, 1997, in addition to the fees set forth in subsection (a), each nursing home shall pay an annual nursing home tax as set forth in this subsection. Such tax shall be paid in equal monthly installments of one-twelfth (1/12) of the annual amount established by this subsection. The installments are due on the fifteenth of each following month beginning August 15, 1997, for the July 1997 installment and ending with a final payment on July 15, 1999.

Section 2. Tennessee Code Annotated, Section 68-11-216, is further amended by deleting subdivision (d)(3) in its entirety and substituting the following:

(3) The annual nursing home tax shall be based on the number of nursing home beds licensed by the State of Tennessee on July 1, 1997, and on July 1, 1998, for the respective fiscal year following such date, excluding beds in nursing homes specifically certified as intermediate care beds for the mentally retarded. The tax shall be uniformly applied to all licensed beds at the rate of two thousand six hundred dollars (\$2,600) per licensed bed per year. Licensed facilities which are owned or operated by an agency of the state are not excluded from paying the tax. There shall be no exclusions, deductions or adjustments applied to the tax of any licensed facility different from any other such facility. Beds licensed after July 1,

1997, and July 1, 1998, shall pay a prorated amount of the annual tax for the respective fiscal year following such date.

Section 3. Tennessee Code Annotated, Section 68-11-216(d)(7), is amended by adding the words "plus penalty and interest" after the word "tax" in the last sentence of subdivision (A); and is further amended by adding the following sentence after the first sentence of subdivision (C), to read:

The facility will remain locked into this process until the tax established by this subsection is terminated or has not been renewed by subsequent amendment.

Section 4. Tennessee Code Annotated, Section 68-11-216(d), is amended by deleting the year "1995" from subdivision (10) and substituting the year "1997" and by deleting the year "1997" from subdivision (12) and substituting the year "1999".

Section 5. Tennessee Code Annotated, Section 68-11-830, is amended by deleting the date "July 15, 1997" from subdivision (d)(2)(B) and substituting the date "July 15, 1999" and by deleting the date "June 30, 1997" from subdivision (d)(10) and substituting the date "June 30, 1999".

Section 6. This act shall take effect July 1, 1997, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. McDaniel moved that **House Bill No. 1606**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	74
Noes	16
Present and not voting.....	2

Representatives voting aye were: Bird, Bittle, Bone, Boner, Bowers, Boyer, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Gunnels, Haley, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones U., Kent, Kernell, Kerr, Kisber, Lewis, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Patton, Phelan, Phillips, Pinion, Pleasant, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Tindell, Turner (Shelby), Walker, Walley, Westmoreland, White, Whitson, Williams, Winningham, Wood, Mr. Speaker Naifeh -- 74.

Representatives voting no were: Arriola, Beavers, Brooks, Cooper, Garrett, Halteman-Harwell, Jones S., Maddox, McAfee, Odom, Ridgeway, Stulce, Towns, Turner (Hamilton), West, Windle -- 16.

Representatives present and not voting were: Armstrong, Tidwell -- 2.

A motion to reconsider was tabled.

***House Bill No. 1804** -- Tennessee Housing Development Agency - Increases from once to twice yearly minimum mandated frequency of evaluation of housing development agency assets fund. Amends TCA Title 13, Chapter 23. by *McDaniel, *Wood, *Stamps, *Davis R. (SB1943 by *Atchley, *Henry, *McNally, *Koella, *Ramsey, *Carter, *Gilbert, *Person, *Elsea, *Crowe)

Rep. McDaniel moved that House Bill No. 1804 be passed on third and final consideration.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:
Amendment No. 1

AMEND House Bill No. 1804 by deleting Sections 1 and 2 in their entirety and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 13-23-401, is amended by adding the following as new subsections:

() Notwithstanding the provisions of this section to the contrary, at year end of the fiscal year ending June 30, 1998, fifteen million dollars (\$15,000,000) of the unexpended balance of the funds in the assets fund shall be transferred to the state general fund.

() Beginning in the fiscal year beginning July 1, 1998, funds received by the agency pursuant to Tennessee Code Annotated, section 13-23-402(a)(2) and Tennessee Code Annotated, Section 13-23-402(a)(3), in excess of ten million dollars (\$10,000,000) each fiscal year shall be transferred to the assets fund until the assets fund has a fiscal year end balance of fifty million dollars (\$50,000,000); thereafter, no such funds shall be transferred to the assets fund but shall be applied in accordance with Tennessee Code Annotated, Section 13-23-403.

SECTION 2. Tennessee Code Annotated, Section 13-23-402 is amended by adding the following as a new subsection:

() Notwithstanding the provisions of subsection (a) of this section, for the fiscal years ending June 30, 1997, and June 30, 1998, all allocations of tax revenues directed to the agency by subsections (a)(2) and (a)(3) of this section in excess of six million dollars (\$6,000,000) each fiscal year shall be reallocated to the state general fund; thereafter, no such reallocation shall be made.

SECTION 3. Tennessee Code Annotated, Section 13-23-403, is amended by deleting subdivision (a)(2) in its entirety and by renumbering subsequent subdivisions accordingly.

SECTION 4. Tennessee Code Annotated, Section 13-23-403, is amended by deleting subsection (c) in its entirety and by renumbering subsequent subsections accordingly.

SECTION 5. Tennessee Code Annotated, Section 13-23-404, is amended by adding the following as a new subsection:

() Notwithstanding the provisions of subsection (a) of this section, at year end of the fiscal year ending June 30, 1998, all of the unexpended balance of funds in the housing program reserve fund shall be transferred to the state general fund. Once these funds have been transferred, the housing program reserve fund shall be abolished and Tennessee Code Annotated, Section 13-23-404, shall be repealed.

by deleting the effective date section and by substituting instead the following:

SECTION 6. This act shall take effect upon becoming law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Haley moved the previous question, which motion prevailed.

Rep. McDaniel moved that **House Bill No. 1804**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	55
Noes	40
Present and not voting.....	1

Representatives voting aye were: Beavers, Bird, Bittle, Boyer, Buck, Burchett, Caldwell, Clabough, Cole (Carter), Cole (Dyer), Curtiss, Davis, DeBerry L., Dunn, Ford, Garrett, Givens, Godsey, Goins, Haley, Halteman-Harwell, Hargett, Hassell, Head, Hicks, Huskey, Jackson, Kent, Kerr, Kisber, McAfee, McDaniel, Mumpower, Newton, Patton, Phelan, Phillips, Pinion, Pleasant, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Tidwell, Tindell, Walker, Walley, Westmoreland, White, Whitson, Wood, Mr. Speaker Naifeh -- 55.

Representatives voting no were: Armstrong, Arriola, Bone, Boner, Bowers, Brooks, Brown, Chumney, Cooper, Cross, Davidson, Eckles, Ferguson, Fitzhugh, Fowlkes, Gunnels, Hargrove, Hood, Jones S., Jones U., Kernell, Langster, Lewis, Maddox, McDonald, McKee, McMillan, Miller, Odom, Pruitt, Ridgeway, Rinks, Stulce, Towns, Turner (Hamilton), Turner (Shelby), West, Williams, Windle, Winningham -- 40.

Representatives present and not voting were: Fraley -- 1.

A motion to reconsider was tabled.

***House Bill No. 1806** -- Appropriations - Authorizes index of appropriations from state tax revenues for 1996-1997 fiscal year to exceed index of estimated growth in state's economy by \$20 million or 0.31 percent. Amends TCA Title 9, Chapter 6, Part 2. by *McDaniel, *Kisber, *Stamps, *Davis R. (SB1941 by *Atchley, *Henry, *McNally, *Jordan, *Koella, *Ramsey, *Carter, *Elsea, *Person, *Leatherwood, *Crowe, *Williams)

Rep. McDaniel moved that House Bill No. 1806 be passed on third and final consideration.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1806 by deleting from the amendatory language of Section 1 the figures "\$20,000,000" and "0.31" and by substituting instead the figures "\$55,000,000" and "0.84", respectively.

On motion, Amendment No. 1 was adopted.

Rep. McDaniel moved that **House Bill No. 1806**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	91
Noes	0
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kemell, Kerr, Kisber, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

Representatives present and not voting were: Odom -- 1.

A motion to reconsider was tabled.

House Bill No. 1793 -- Appropriations - Defrays expense of operating state government for fiscal year 1997-1998, by *McDaniel, *Kisber, *Stamps, *Davis R, *Walley. (*SB1698 by *Henry, *McNally, *Gilbert, *Atchley, *Elsea, *Person, *Leatherwood, *Jordan, *Miller J, *Ramsey, *Williams, *Carter, *Crowe, *Koella)

Rep. McDaniel moved that House Bill No. 1793 be passed on third and final consideration.

On motion, Rep. Kisber withdrew Finance, Ways & Means Committee Amendment No. 1.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 1793 by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of two hundred eighty-five thousand dollars (\$285,000) to the department of human services for the sole purpose of making grants to children's advocacy centers as follows:

ChildHelp USA (Knoxville)	\$30,000
Hamilton County	30,000
Memphis	30,000
Nashville	30,000
Clarksville	30,000
Robertson County	30,000
Sullivan County	30,000
Carl Perkins Center for the Prevention of Child Abuse (Jackson)	30,000
Carl Perkins Center for the Prevention of Child Abuse (Tipton Co.)	30,000
Tennessee Chapter of Children's Advocacy Centers (Nashville)	15,000

H #0022

by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of ninety-five thousand dollars (\$95,000) to the department of the military for the sole purpose of funding health care services pursuant to the Mediguard Program.

H #0024

by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of fifty thousand dollars (\$50,000) to the department of the military for the sole purpose of making a grant in such amount to the Tennessee Defense Force, to be used for purchasing equipment and uniforms.

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H #0112

by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of twenty-five thousand dollars (\$25,000) to the Department of Human Services for the sole purpose of making a grant in such amount to Child Abuse Prevention of Tennessee, Inc., to be used for operating and advertising a twenty-four (24) hour a day toll-free statewide telephone line for domestic violence.

H #0134

by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of one hundred seventy-five thousand dollars (\$175,000) to the Tennessee council for vocational-technical education for the sole purpose of funding the programs and activities of the council.

H #0201

by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of five thousand dollars (\$5,000) to the Nashville Metropolitan Government to repay a grant.

H #0203

by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of five hundred forty thousand dollars (\$540,000) to the department of human services for the sole purpose of allocating such sum for human resource agencies.

H #0207

by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of three hundred fifty thousand dollars (\$350,000) to the Tennessee Wildlife Resources Agency from their reserves for the sole purpose of funding a feasibility study for Reelfoot Lake, for spraying vegetation at Reelfoot Lake and to fund use of Cook's Cutter to increase additional public waterfowl blindsites and other navigational purposes. It is the legislative intent that these funds be redirected from the governor's proposed reduction to the agency.

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H #0211

by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of four hundred fifty-nine thousand four hundred dollars (\$459,400) for the sole purpose of implementing Senate Bill 1469 / House Bill 1621, relative to establishing procedures for judicial forfeiture of property, if such bill becomes a law.

H #0255

by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of fifty thousand dollars (\$50,000) to the office of legislative administration for the sole purpose of making a grant in such amount to the black health care commission for regional health care summits across the state.

H #0257

by adding the following new item at the end of Section 41:

Item _____. From the funds appropriated to the department of economic and community development, there is earmarked the sum of one hundred forty-two thousand three hundred eighty dollars (\$142,380) for the sole purpose of restoring to the development districts the funds cut by the administration from the fiscal year 1997 budget thus restoring the full statutory funding levels appropriated by the General Assembly for the state's nine development districts. Notwithstanding the provisions of this or any other law to the contrary, neither the Department of Economic and Community Development nor the Greater Nashville Regional Council shall be required to submit a plan of activity to the Commissioner of Finance and Administration as a prerequisite for disbursal of the sum, or any portion thereof, appropriated by this item.

H #0296

by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of eight hundred thousand dollars (\$800,000) to the Department of Education for the sole purpose of restoring funding, on an equal share basis, to the seven (7) public television stations in Tennessee.

H #0351

by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of one hundred thousand dollars (\$100,000) to the

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Department of Children's Services for the sole purpose of implementing Senate Bill 1553 / House Bill 1104, relative to model teen learning centers, if such bill becomes a law.

H #0369

by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of five thousand dollars (\$5,000) to the office of legislative administration for the sole purpose of funding the programs and activities of the statewide minority youth mock legislature annually hosted by the Black Caucus of State Legislators.

H #0376

by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated a sum sufficient for the sole purpose of implementing Senate Bill 1009 / House Bill 1501, relative to the Comprehensive Boating Safety Act of 1997, if such bill becomes law.

H #0382 by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of two hundred twenty thousand dollars (\$220,000) for the sole purpose of making grants of ten thousand dollars (\$10,000) to each of the following community action agencies:

AGENCY	COUNTIES SERVED
Anderson County Community Action Commission	Anderson
Blount County Community Action Agency	Blount
Bradley-Cleveland Community Services Agency	Bradley
Caney-Fork Development Corporation	Cannon, DeKalb, Van Buren, Warren
Chattanooga Human Services Department	Hamilton
Clarksville-Montgomery County Community Action Agency	Montgomery
Cordell Hull Economic Opportunity Corporation	Clay, Jackson, Macon, Smith
Delta Human Resources Agency	Fayette, Lauderdale
Douglas-Cherokee Economic Authority	Cocke, Grainger, Sevier, Hamblen, Jefferson, Monroe
Highland Rim Economic Corporation	Dickson, Stewart, Houston, Humphreys

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Knoxville-Knox County Community Action Agency Knox
Mid-Cumberland Community Action Agency Cheatham, Sumner,
Robertson, Trousdale,
Williamson, Rutherford

Mid-East Community Action Agency Loudon, Roane
Mountain Valley Economic Opportunity Authority Campbell,
Claiborne, Morgan,
Scott, Union

Northwest Tennessee Economic Development Council Benton,
Carroll, Crockett,
Dyer, Lake, Obion,
Henry, Weakley,
Gibson, Fayette,
Tipton, Lauderdale,
Madison

Shelby County Community Services Agency Shelby
South Central Human Resources Agency Bedford, Coffee,
Franklin, Giles, Hickman,
Lawrence, Lewis, Lincoln,
Marshall, Maury, Moore,
Perry, Wayne

Southeast Human Resources Agency Bledsoe, Grundy, Marion,
McMinn, Meigs, Sequatchie,
Polk, Rhea

Southwest Human Resources Agency Chester, Decatur, Hardeman,
Hardin, Haywood, Henderson,
Madison, McNairy

Upper East Tennessee Human Development Agency Carter,
Greene, Hancock,
Hawkins, Johnson,
Sullivan, Unicoi,
Washington

Metro-Action Commission Davidson

Upper Cumberland Human Resource Agency Cumberland,
Fentress, Overton,
Pickett, Putnam, White,
Van Buren, Warren,
Cannon, DeKalb

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H #0384

by adding the following new item at the end of Section 36:

Item _____. To the department of state for bookmobile repair or replacement under Section 12, Item 719.

H #0385

by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of four hundred thousand dollars (\$400,000) to the department of state for the sole purpose of funding restoration of funding for regional libraries for books, materials and operating costs. Such funds may also be expended for regional library vehicle maintenance and restoration, repairs and replacements on bookmobiles and other library-related purposes. It is the legislative intention that funds appropriated by the provisions of this item be nonrecurring.

H #0398

by adding the following items to Section 12 thereof:

Item _____. Subject to the passage of Senate Bill No. 113/House Bill No. 202, there is hereby appropriated from the Claims Award Fund a sum sufficient to cover the costs associated with the assignment of administrative law judges to hear Tennessee Claims Commission matters pursuant to Section 1 of Senate Bill No. 113/House Bill No. 202.

Item _____. Subject to the passage of Senate Bill No. 113/House Bill No. 202, there is hereby appropriated from the Claims Award Fund a sum sufficient to cover the costs associated with alternative dispute resolutions conducted pursuant to Section 9 of Senate Bill No. 113/House Bill No. 202.

Item _____. The Commissioner of Finance and Administration shall transfer all staff, staff positions, equipment, supplies, property, funds and other resources of the Tennessee Claims Commission from the Department of Commerce and Insurance to the Department of Treasury in accordance with, and subject to the passage of Senate Bill No. 113/House Bill No. 202.

H #0402

by adding the following new item at the end of Section 10:

Item _____. To the extent the appropriation for TennCare services set forth in Title III-23(2) in Section 1 of this act includes an increase from fiscal year 1996-1997 to fiscal year 1997-1998 in the amount of capitation rate paid to managed care organizations, no expenditure of such appropriation relating to the increased capitation rate shall be made unless one hundred percent (100%) of the additional capitation rate will ultimately be paid to providers under contract with the TennCare managed care organizations.

H #0457

by deleting from Section 1 of the bill in Title III-26. (Department of Transportation) in the fourth paragraph following the list of allocations, the language:

is allocated for the purpose of funding the "1990 Bridge Grant Program" and by substituting instead the language:

is allocated for the purpose of funding the state's seventy percent (70%) share of the project cost of the 1990 Bridge Grant Program. For the fiscal 1997-1998 budget, the state shall fund a seventy percent (70%) share of this program and local governments shall be responsible for funding the remaining thirty percent (30%).

H #0468

by adding the following new item at the end of Section 36:

Item _____. Those funds received by the Tennessee Advisory Commission on Intergovernmental Relations from the Tennessee State Revenue Sharing Act for the inventory of public infrastructure needs and other purposes which are unobligated and unexpended at the end of the 1996-1997 fiscal year shall not revert, but shall be carried forward until expended for such purpose.

H #0520

by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated a sum sufficient from the Criminal Injuries Compensation Fund for the sole purpose of implementing Senate Bill 594 / House Bill 787, relative to compensation of victims of terrorism, if such bill becomes law.

H #0652

by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of eight hundred ninety-three thousand and four hundred dollars (\$893,400) to restore base state funding for the Tennessee Student Assistance Award program to the level of funding in 1996-97.

H #0657

by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of thirty thousand dollars (\$30,000) to the department of environment and conservation for the sole purpose of making a grant in such amount to the Tennessee Wars Commission, to be used for the continuation of operations and programs.

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H #0716

by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of three hundred thousand dollars (\$300,000) to the Department of Health for the sole purpose of implementing Senate Bill 237 / House Bill 697, relative to reconstructive breast surgery, if such bill becomes a law.

H #0728

by adding the following new item at the end of Section 12:

Item _____. From revenues generated by the provisions of House Bill No. 1399 / Senate Bill No. 1637, there is earmarked a sum sufficient to the department of safety for the sole purpose of providing increased security at rest areas.

H #0784

by deleting Item 3 of Section 36 in its entirety and by substituting instead the following:

Item 3. To the Judicial Branch in Section 1, Title II, but excluding the appropriations for Indigent Defendants' Counsel and Verbatim Transcripts. The reappropriated funds shall be expended for the study and implementation of an integrated computer system for the Tennessee court system under the provisions of Chapter 1005, Public Acts 1944. This item shall not be subject to the approval of the Commissioner of Finance and Administration.

H #0785

by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of ninety thousand dollars (\$90,000) to the University of Tennessee Institute of Agriculture for the sole purpose of making a grant in such amount to the Tennessee 4-H Club Foundation, to be used for providing state matching funds, pursuant to Tennessee Code Annotated, Section 49-9-1202.

H #0794

by adding the following new item to Section 12 thereof:

Item _____. There is hereby appropriated a sum sufficient from employer FICA tax savings from the § 125 Cafeteria Plan (Flexible Benefits Plan) to provide for the employer match to the State's 401(k) Plan for State employees compensated on the centralized State payroll system. In the event funds from the § 125 Cafeteria Plan are insufficient to cover the employer match, there is hereby appropriated a sum sufficient to be used exclusively for said purpose. Out of available funds appropriated to the University of Tennessee system, the president of said system may use, but is not required to use, any such funds to provide for the employer match to the State's 401(k) Plan for employees of

the University of Tennessee. Out of available funds appropriated to the State Board of Regents, the chancellor of said board may use, but is not required to use, any such funds to provide for the employer match to the State's 401(k) Plan for employees of the board of regents. Provided, however, that should the Board of Regents or the University of Tennessee system elect to fund the employer match, the State Treasurer shall have the authority to contract with Optional Retirement Plan vendors to provide investment products to Optional Retirement Plan participants under the State's 401(k) program. The appropriations made in this item shall be administered pursuant to the Provisions of Tennessee Code Annotated, Title 8, Chapter 25.

H #0830

by adding the following new item at the end of Section 12:

Item ____ . In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of six thousand six hundred dollars (\$6,600) to the office of legislative administration for the sole purpose of paying Tennessee's annual dues to the National Black Caucus of State Legislators.

H #0851

by adding the following new item at the end of Section 12:

Item ____ . The General Assembly recognizes that implementation of SB 820 / HB 674, relative to the creation of new courts and judgeships, will not require funding in the 1997-98 fiscal year pursuant to an Opinion of the Attorney General.

H #0875

by adding the following new item at the end of Section 12:

Item ____ . From the funds appropriated by the provisions of this act to the Tennessee wildlife resources agency, there is earmarked the sum of one hundred thousand dollars (\$100,000) to the department of finance and administration for the sole purpose of making a grant in such amount to the West Eight Association of Soil Conservation Districts, to be used for soil conservation projects and administrative costs.

H #0915 by deleting from Section 2, Item 11 of the printed bill the words "sum of \$5,100,000" and by substituting the words "balance of the appropriation for Sentencing Act of 1985".

AND FURTHER AMEND by deleting from Section 8, Item 20 of the printed bill the words:

"for the purchase and maintenance of equipment at state parks".

AND FURTHER AMEND by deleting from Section 12, Item 3 of the printed bill the words "Finance and Administration" and by substituting the word "Health".

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AND FURTHER AMEND by deleting in its entirety Section 12, Item 4 of the printed bill and by renumbering the subsequent items.

AND FURTHER AMEND by deleting from Section 29, Item 8 of the printed bill the words and figures "eight hundred thousand dollars (\$800,000.00)" and by substituting the words and figures "six hundred thousand dollars (\$600,000.00)".

AND FURTHER AMEND by deleting from Section 1, Title III-21, Item 4 the figure "800,000.00" and by substituting the figure "600,000.00" and by adding a new item 16 to read:

Item "16. Finance and Administration - Special Projects 200,000.00"

AND FURTHER AMEND by deleting from the fourth paragraph of Section 30 of the printed bill the words and punctuation "the Tennessee Regulatory Authority".

AND FURTHER AMEND by deleting in their entirety the last two paragraphs of Section 30 of the printed bill and by substituting a new paragraph to read:

"Employee promotions shall be reported to the general assembly under the provisions of Tennessee Code Annotated, Section 8-30-211(b)."

AND FURTHER AMEND by inserting in Section 31, Item 3 of the printed bill the word "Funds" between the words "Development" and "block".

AND FURTHER AMEND by inserting in Section 41, Item 23 of the printed bill the punctuation and language ", authorized in Section 2, Item 1 of this act," between the words "maintenance" and "shall".

AND FURTHER AMEND by adding to Section 41 of the printed bill a new item to read:

"Item____. The appropriations made in this act specifically do not include funds for the statutorially authorized salary increases contained in Tennessee Code Annotated, Section 4-7-201 and Section 4-7-205 for certain commissioned members and employees of the Department of Safety."

AND FURTHER AMEND by deleting in its entirety the incomplete citation in Section 43, Item 5 of the printed bill and by substituting the citation "Senate Bill No. 1939/House Bill No. 1796".

AND FURTHER AMEND by deleting in its entirety the incomplete citation in Section 43, Item 6 of the printed bill and by substituting the citation "Senate Bill No. 1938/House Bill No. 1795".

AND FURTHER AMEND by deleting in their entirety the incomplete citations in Section 43, Items 7, 8 and 9 of the printed bill and by substituting the citation "Senate Bill No. 1943/House Bill No. 1804" in each of the items.

AND FURTHER AMEND by deleting in its entirety Section 10, Item 23 of the printed bill and by substituting a new item to read:

"Item _____. Within the amount appropriated in Section 1, Title III-17, for Temporary Assistance to Needy Families in the Families First program established pursuant to the provisions of Tennessee Code Annotated, Title 71, Chapter 3, Part 1, the Commissioner of Human Services shall establish by rule or regulation to be effective July 1, 1997, the maximum grants for eligible persons in the Families First program expressed as a percentage of the standard of need, which standard of need shall, notwithstanding any law or regulation to the contrary, be established at six hundred seventy-seven dollars (\$677) by rule or regulation to be effective July 1, 1997 for fiscal year 1998 for an assistance group composed of three (3) persons, and the standard of need for other assistance group sizes shall be established by the department of human services by rule or regulation to be effective July 1, 1997 for fiscal year 1998 at the same levels as established in fiscal year 1997 for such other assistance group sizes."

AND FURTHER AMEND by adding to Section 12 of the bill the following new items to read:

"Item _____. The appropriations made in Sections 1 and 4 of this act to the Department of Health shall be adjusted to recognize a change between departmental revenue and general revenue. The appropriation made in Section 1, Title III-16, Item 3.2 shall be increased by \$31,100.00 and the appropriation made in Section 4, Title III-17, Item 3.1 shall be reduced by \$31,100.00.

Item _____. In addition to any other funds appropriated to the Department of Health in Section 1, Title III-16 of this Act, there is appropriated a sum sufficient from the Traumatic Brain Injury Fund to the Department of Health to allow for the provision of enhanced and/or new services which benefit traumatic brain injury persons and their families as authorized in Tennessee Code Annotated, Title 68, Chapter 55. Any additional appropriations provided under this item would be on a non-recurring basis from carry-forward funds which exist in the Traumatic Brain Injury Fund and would be subject to approval of the Commissioner of Finance and Administration.

Item _____. There is hereby appropriated from dedicated revenues the sum of \$83,800.00 to the Department of Commerce and Insurance, Division of Regulatory Boards, to establish two (2) inspector positions for the barber board and the cosmetology board.

Item _____. There is hereby appropriated from dedicated revenues the sum of \$151,300.00 to the Department of Commerce and Insurance, Division of Regulatory Boards, to establish five (5) positions, including an administrative director position, to upgrade two (2) positions and to fund other expenses for the State Board for Licensing Contractors."

AND FURTHER AMEND by adding to Section 29, Item 14 of the printed bill a new paragraph to read:

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"The following proposed capital outlay project, to be funded from institutional funds, is in addition to those projects listed in the 1997-98 Budget Document:

Austin Peay State University
Emerald Hill Renovation \$966,000.00"

AND FURTHER AMEND by adding to Section 34 of the printed bill the new items to read:

"Item _____. To the Department of Personnel in Section 1, Title III-2, and to adjust federal aid and other departmental revenue accordingly.

Item _____. To the Department of Commerce and Insurance in Section 1, Title III-11, and to adjust federal aid and other departmental revenue accordingly."

AND FURTHER AMEND by adding to Section 35 of the printed bill the new items to read:

"Item _____. To the Department of Children's Services in Section 1, Title III-22, and to adjust federal aid and other departmental revenue accordingly."

AND FURTHER AMEND by adding to Section 36 of the printed bill the following new items to read:

"Item _____. For services to children for whose education the state is directly responsible and the funds were paid to the Department of Children's Services under the provisions of Tennessee Code Annotated, Section 49-3-363.

Item _____. To the Tennessee Student Assistance Corporation in Section 1, Title III-10, an amount not to exceed \$22,000.00 may be carried forward at June 30, 1997."

AND FURTHER AMEND by deleting in its entirety Section 39 of the printed bill and by substituting a new Section 39 to read:

"SECTION 39. The provisions of this section shall take effect upon becoming law, the public welfare requiring it. There is hereby appropriated from departmental revenues and federal aid funds the amounts hereinafter set out:

	1996-97	1997-98
District Attorneys General		
1. Executive Director	\$ -	\$ 75,000
Department of State		
1. Library and Archives	\$ 20,000	\$ 20,000
2. Regional Libraries	120,100	
Total Department of State	\$ 140,100	\$ 20,000
Comptroller of the Treasury		
	1996-97	1997-98
1. Municipal Audit	\$ -	\$ 50,000

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Commissions

1. Tennessee Commission on Children and Youth

\$ 70,500 \$ 165,200

Agriculture

- | | | |
|---------------------------|-----------|------------|
| 1. Plant Industries | \$ 47,400 | \$ 50,600 |
| 2. Forestry | - | 86,000 |
| 3. Agricultural Resources | - | 107,000 |
| Total Agriculture | \$ 47,400 | \$ 243,600 |

Environment and Conservation

- | | | |
|------------------------------------|--------------|--------------|
| 1. Conservation Administration | \$ 323,000 | \$ 323,000 |
| 2. Tennessee State Parks | 1,650,000 | - |
| 3. Natural Heritage | 180,000 | 180,000 |
| 4. Construction Grants and Loans | 3,500,000 | 3,000,000 |
| Total Environment and Conservation | \$ 5,653,000 | \$ 3,503,000 |

Education

- | | | |
|------------------------------|-----------|--------------|
| 1. Improving School Programs | \$ 25,000 | \$ 50,000 |
| 2. Goals 2000 | - | 3,460,000 |
| Total Education | \$ 25,000 | \$ 3,510,000 |

Higher Education

- | | | |
|---|-----------|-----------|
| 1. Tennessee Student Assistance Corporation | \$500,000 | \$500,000 |
|---|-----------|-----------|

Commerce and Insurance

- | | | |
|--------------------|-----------|-----------|
| 1. Fire Prevention | \$ 12,700 | \$ 25,500 |
|--------------------|-----------|-----------|

Mental Health and Mental Retardation

- | | | |
|---------------------------------------|------------|------------|
| 1. Developmental Disabilities Council | \$ 112,700 | \$ 112,700 |
|---------------------------------------|------------|------------|

Military

- | | | |
|--|--------------|--------------|
| 1. Tennessee Emergency Management Agency | \$53,700 | \$ 53,700 |
| 2. Armories Maintenance | 1,000,000 | 2,000,000 |
| Total Military | \$ 1,053,700 | \$ 2,053,700 |

Health

- | | | |
|--------------------|-----------|-----------|
| 1. Health Services | \$ 60,500 | \$ 60,500 |
|--------------------|-----------|-----------|

1996-97

1997-98

- | | | |
|--|-----------|-----------|
| 2. Maternal and Child Health | 9,100 | 9,100 |
| 3. Division of Special Services | 18,600 | 18,600 |
| 4. Communicable and Environmental Disease Services | | |
| | 1,214,000 | 2,416,000 |
| 5. Health Services Administration Medical Programs | | |
| | 600 | 600 |

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6. Population Based Services	1,033,900	1,045,300
7. Women, Infants, and Children (WIC)	8,636,900	8,636,900
8. Local Health Services	6,193,900	6,206,100
Total Health	\$17,167,500	\$18,393,100
Human Services		
1. Community Services	\$ 4,398,500	\$ 5,226,600
2. Vocational Rehabilitation	68,100	64,500
3. Disability Determination	6,500	36,900
Total Human Services	\$ 4,473,100	\$ 5,328,000
Revenue		
1. Office Audit & Examination Division	235,200	\$ -
Children's Services		
1. Administration	-	\$ 32,800
2. Family Support Services	244,300	213,000
3. Custody Services	-	8,055,500
4. Adoption Services	61,100	50,000
5. Tennessee Preparatory School	107,600	113,300
Total Children's Services	\$ 413,000	8,464,600
TOTAL	\$29,903,900	\$42,444,400

The Commissioner of Finance and Administration is authorized to establish 20 full-time positions and 1 part-time position and to allocate them to the appropriate organizational units. At June 30, 1997, any unexpended balances of departmental revenues and federal aid funds appropriated in this section are hereby reappropriated in the fiscal year beginning July 1, 1997.*

AND FURTHER AMEND by adding to Section 41 of the printed bill the following new items to read:

"Item _____. In the fiscal year ending June 30, 1997, any remaining assets of the Tennessee Comprehensive Health Insurance Pool (TCHIP) shall be transferred to the general fund.

Item _____. In each of the fiscal years ending June 30, 1997, and June 30, 1998, there is appropriated a sum not to exceed \$20,000.00 from asbestos claims recoveries to reimburse the Office of the Attorney General and Reporter for expenses incurred to pursue the claims.

Item _____. Any unexpended revenues available at June 30, 1997, for benefit of the Tennessee Ocoee Development Agency (TODA) are hereby reappropriated to TODA to be expended in the 1997-98 fiscal year.

Item _____. There is hereby appropriated a sum sufficient to the Department of Environment and Conservation from funds of the former Tennessee Elk River Development Agency (TERDA) to implement the provisions of Chapter 816, Public Acts of 1996.

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Item _____. The unexpended balance of the appropriation made to the Department of Financial Institutions to implement Chapter 718, Public Acts of 1996, is hereby reappropriated to the department to be expended in the 1997-98 fiscal year.

Item _____. There is hereby appropriated to the American Red Cross the sum of \$5,000.00 for flood relief efforts in West Tennessee this year. This appropriation is made from funds donated to the state of Tennessee by the Consulate General of Japan in New Orleans for damages caused during the 1997 floods. The Consulate General conveyed a condolence from the Japanese Foreign Minister with the donation.

Item _____. There is hereby appropriated a sum sufficient to the Department of Environment and Conservation, West Tennessee River Basin Authority, from funds provided by the counties within the authority area.

Item _____. In the fiscal years ending June 30, 1997, and June 30, 1998, there is hereby appropriated a sum sufficient from the Transportation Equity Fund to the Department of Transportation, Division of Air, Water and Rail. This appropriation is subject to the availability of revenue in the fund.

Item _____. There is hereby appropriated from dedicated revenues the sum of \$130,000.00 to the Department of Commerce and Insurance, Division of Regulatory Boards, Real Estate Education and Recovery Fund, to provide for court-ordered payments and to print and distribute to all licensees a manual of laws and rules and regulations.

Item _____. From the handgun carry permit fees paid under the provisions of Tennessee Code Annotated, Section 39-17-1351 and the provisions of House Bill No. 1055 / Senate Bill No. 1170, there is hereby appropriated a sum sufficient to the Department of Safety and to the Tennessee Bureau of Investigation to implement the provisions of the handgun carry permit law. This appropriation is subject to approval by the Commissioner of Finance and Administration and the Commissioner is authorized to establish positions to implement the law. Any unexpended permit fees at June 30, 1997, are hereby reappropriated to be expended in the 1997-98 fiscal year and shall be carried forward in a reserve into the fiscal year beginning July 1, 1997.

Item _____. From the appropriations made in Section 1, Title III-22, to the Department of Children's Services, the sum of \$804,900.00 shall be transferred to TennCare to provide the state match for additional payments to the Department of Children's Services made under Section 39 of this act. Federal aid funds in TennCare shall be adjusted accordingly.

Item _____. Subject to the passage of Senate Bill No.1637 / House Bill No.1399, there is hereby appropriated from dedicated revenues the sum of \$1,500,000.00 to the Department of Safety to establish additional uniformed highway patrol officer positions and to provide for training and equipment.

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Item _____. Subject to approval by the Commissioner of Finance and Administration and the Comptroller of the Treasury, the loan agreement made pursuant to Section 41, Item 31 of the 1989 Appropriations Act, and all subsequent loan agreements made with the Tennessee Rehabilitative Initiative in Corrections Board (TRICOR) and its predecessor organizations, are hereby cancelled and forgiven effective June 30, 1997."

AND FURTHER AMEND by deleting in its entirety Section 43, Item 11 of the printed bill and by renumbering the subsequent items.

AND FURTHER AMEND by adding a new section to the printed bill to read:

SECTION _____. In addition to the appropriations made in Sections 1 and 38 of this act there is hereby appropriated to the:

Item 1. Department of Economic and Community Development the sum of \$35,000.00 to pay dues to the Southern States Energy Board and the sum of \$61,000.00 to pay an increase in dues to the Appalachian Regional Commission (ARC).

Item 2. Department of Education the sum of \$35,000.00 to increase the grant to the Holocaust Commission.

Item 3. Department of Commerce and Insurance the sum of \$150,000.00 to pay bonus supplements to firemen as authorized in Section 7, Item 11 of this act.

Item 4. Department of Health the sum of \$150,000.00 to establish five (5) additional positions for the audit section.

Item 5. Department of Finance and Administration the sum of \$47,000.00 to fund a position for establishing a Service Vendor Registry System intended to foster the state's utilization of minority and small businesses and promote competition in service contracting.

Item 6. Department of Human Services the sum of \$29,000.00 to establish one (1) adult day care program specialist position.

Item 7. Subject to the passage of Senate Bill No. 1945/House Bill No. 1817, there is hereby appropriated \$293,000.00 to the Department of Revenue to implement the act (Petroleum Products and Alternative Fuels Tax Law).

AND FURTHER AMEND by adding a new section to the printed bill to read:

SECTION _____. The provisions of this section shall take effect upon becoming law, the public welfare requiring it. There is hereby appropriated the following amounts which shall be in addition to the appropriations provided under Chapter 1083, Public Acts of 1996 and under Sections 1 and 38 of this act:

	1996-97	1997-98
Judicial		
1. Indigent Defendants' Counsel	\$ 600,000	\$ 1,583,000

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Labor		
1. Second Injury Fund	\$ 2,500,000	\$ 2,500,000
Health		
1. Families First - Nurses' Visits	\$ -	\$ 600,000
	1996-97	1997-98
TOTAL	\$ 3,100,000	\$ 4,683,000

The Commissioner of Finance and Administration is authorized to establish positions as may be required by the Department of Health and to transfer the appropriation to TennCare and to adjust federal aid and interdepartmental revenue accordingly.

H #0916

by adding the following new item at the end of Section 10:

Item _____. There is appropriated the sum of sixty thousand dollars (\$60,000) from funds received by the Administrative Office of the Court for the sole purpose of making a grant in such amount to statewide organizations engaged in offering assistance to organizations and individuals providing legal and other advocacy assistance to low income and/or elderly Tennesseans with civil legal problems; to be used for provision of the following services by the statewide organizations for lawyers, paralegals and other advocates working with and/or for low income and/or elderly Tennesseans: development of and provision of continuing legal education; development of manuals, and other informational resources; and other similar technical support.

H #0917

by adding the following new item at the end of Section 10:

Item _____. From the funds appropriated to the department of employment security, there is earmarked the sum of eighty-seven thousand seven hundred fifty dollars (\$87,750) to be allocated to the Board of Regents for the sole purpose of implementing House Bill No. 1206 (SB 1252), if such bill becomes law.

H #0918

by inserting the language "the Office of Legislative Budget Analysis" between the words "the" and "Finance" in the second sentence of the original Section 23.

AND FURTHER AMEND by adding the following language at the end of the first paragraph of the original Section 23:

Any positions which are overlapped for more than ninety (90) days shall be reflected in the revised personnel summaries and in the Governor's Budget Document for the three (3) fiscal years presented.

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AND FURTHER AMEND by inserting the language ",including the Tennessee Technology Centers," between the words "institutions" and "expend" in the original Item 2 of Section 29.

AND FURTHER AMEND by adding the following language at the end of the original Item 5 of Section 29:

The governing boards shall submit to the Office of Legislative Budget Analysis both the original and revised operating budgets proposed. The Tennessee higher education commission shall submit to the Office of Legislative Budget Analysis the revised higher education funding formula for the ensuing fiscal year no later than December 1 of each year.

by adding the following language at the end of the original Section 11:

The Department of Education shall submit to the Office of Legislative Budget Analysis the revised BEP funding formula for the ensuing fiscal year no later than January 1 of each year.

H #0919

by adding the following new item at the end of Section 41:

Item _____. From the funds appropriated to the facilities revolving fund, there is earmarked the sum of twenty thousand dollars (\$20,000) to be allocated to the general assembly for the sole purpose of remediation of the electromagnetic field problem in office space in the War Memorial Building.

H #0920

by adding the following new item at the end of Section 41:

Item _____. The appropriation made to Jefferson County in Section 12, Item 587 of Chapter 1083, Public Acts of 1996 is hereby reappropriated to Jefferson County for the purpose of making repairs and improvements to the high school track, field, soccer field and other facilities.

H #0921

by adding the following new item at the end of Section 43:

Item _____. The appropriation made to the career ladder program by Section 1, Title III-9, Item 2.1b, is reduced by four million dollars (\$4,000,000). One million dollars (\$1,000,000) of this amount shall come from funds for administration and testing. Three million dollars (\$3,000,000) of this amount shall come from funds allocated for extended contracts, but no such reduction shall affect extended contracts involving summer school programs or involving student contact programs whether conducted through extended hours or during the summer months.

H #0922by adding the following new section to be appropriately designated:

Section _____.

(a) If the board of trustees determines, after reviewing the actuarial valuation as of June 30, 1997, that the recommended employer contribution rate for state employees and teachers is less than the rate in effect on June 30, 1997, the recommended employer contribution shall be adjusted effective July 1, 1997, and the excess appropriation contained in this act resulting from the reduction in annual contribution requirements for the fiscal year ending June 30, 1998 shall be utilized by the board of trustees as follows so long as such action will not cause retirement contribution rates to increase above those in effect on June 30, 1997:

(1) Any excess appropriations shall first be utilized to fund the compound cost of living adjustment authorized in SB 517 / HB 1401, subject to passage. This adjustment shall be made January 1, 1998, based on available excess contributions.

(2) Any excess appropriation shall next be utilized to permanently fund the three and six-tenths percent (3.6%) adjustment in computing average final compensation, subject to passage of SB 379 / HB 166. This funding shall be required in the 1998-99 fiscal year, based on available excess appropriations.

(b)(1) Dependent upon a finding by the commissioner of finance and administration that funding from the reduced contribution rate or any other sources is available, a sum sufficient is hereby appropriated for a cost of living salary adjustment for state employees and teachers of up to one and one-half percent (1.5%) in one-half percent (1/2%) increments based on the December 31, 1997 salaries of such employees and teachers. This adjustment shall be made January 1, 1998.

(2) Dependent upon a finding by the commissioner of finance and administration that funding from the reduced contribution rate or any other sources is available, an amount not to exceed three million nine hundred thousand dollars (\$3,900,000) is appropriated for state match for state group insurance premiums. The general assembly recognizes that the provisions of HB 1516 / SB 1201 shall be funded from such appropriation.

(3) Dependent upon a finding by the commissioner of finance and administration that funding from the reduced contribution rate or any other sources is available, an amount not to exceed fifteen million dollars (\$15,000,000) is appropriated to restore reductions in the Tennessee Housing Development Agency bond fund reserves. This appropriation is non-recurring.

(4) Dependent upon a finding by the commissioner of finance and administration that funding from the reduced contribution rate or any other sources is available, an amount not to exceed twenty-four million six hundred thirty-five thousand two hundred dollars (\$24,635,200) is appropriated to restore reductions in the Tennessee Housing Development Agency assets fund. This appropriation is non-recurring.

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(5) Dependent upon a finding by the commissioner of finance and administration that funding from the reduced contribution rate or any other sources is available, there is appropriated an amount not to exceed seven million five hundred thousand dollars (\$7,500,000) to institutions of the University of Tennessee and Tennessee Board of Regents systems. These funds shall be distributed in accordance with the following schedule:

Institution/Unit	Non-recurring
Austin Peay	\$ 407,300
Middle Tennessee	1,024,100
Tennessee State	511,800
University of Memphis	1,332,100
Subtotal TBR Universities	\$ 3,275,300

Chattanooga	\$296,900
Columbia	145,400
Dyersburg	81,800
Jackson	132,400
Motlow	113,700
Nashville State Tech	156,800
NorthEast	129,500
Pellissippi	243,800
Roane	214,700
State Tech at Memphis	69,500
Volunteer	209,900
Walters State	210,300
Subtotal 2-Year Institutions	\$ 2,004,700

UT Chattanooga	\$517,100
UT Knoxville	696,700

Subtotal UT Universities \$ 1,213,800

Subtotal Academic Units \$ 6,493,800

Technology Centers	1,006,200
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Total Formula Units \$ 7,500,000

The non-recurring amounts appropriated hereby are restorations of a portion of the reversions from such institutions during the 1996-97 fiscal year.

(6) Dependent upon a finding by the commissioner of finance and administration that funding from the reduced contribution rate or any other sources is available, a sum sufficient is hereby appropriated for a cost of living salary adjustment for state employees and teachers of one-half percent (.5%) based on the December 31, 1997 salaries of such employees and teachers. This adjustment shall be made January 1, 1998.

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It is the intent of the General Assembly in authorizing these contingent appropriations that, based on available funds, these appropriations be implemented in the order stated in this section.

H #0923

by deleting the original Section 43, Item 12 in its entirety.

H #0924

by adding the following new section to be appropriately numbered:

Section _____. The appropriation made by the provisions of this act to fund the three and six-tenths percent (3.6%) adjustment in computing average final compensation provided for in Tennessee Code Annotated, Section 8-34-101(4)(B) is hereby reduced by the sum of one hundred five thousand dollars (\$105,000) to recognize non-state funding of this item.

H #0925

by adding the following new section to be appropriately numbered:

Section _____. The appropriation to the department of tourist development for advertising is hereby reduced by the sum of three million dollars (\$3,000,000). In recognition that legislation to fund a portion of the appropriation to the TIIPS program will not become law, the appropriation to the TIIPS program is hereby reduced by the sum of five million dollars (\$5,000,000). In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of seven million dollars (\$7,000,000) to the department of finance and administration for industrial and tourism development activities. It is the intention of the general assembly that the funds appropriated by the provisions of this act be nonrecurring and that the commissioner of finance and administration allocate such funds in a manner which will maximize the benefits to the state.

H #0926

by adding the following new item at the end of Section 10:

Item _____. There is transferred the sum of two million five hundred thousand dollars (\$2,500,000) from the unemployment compensation special administrative fund to the general fund. The transfer made in this item is subject to passage of HB 146 / SB 717.

H #0927

by adding the following new section to be appropriately numbered:

Section _____. The appropriation made to the department of revenue in Section 1, Title III-18 is hereby reduced by the sum of four hundred seventy-four thousand six hundred dollars (\$474,600). It is the legislative intent that the increase in funds for administration of the collection of local option sales tax appropriated in Section 4, Title III-19 be used to replace this reduction.

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H #0928

by adding the following new item at the end of Section 41:

Item _____. It is the legislative intent that the sum of nineteen million forty-six thousand dollars (\$19,046,000) is to be carried forward to be expended in the 1997-98 fiscal year and the commissioner of finance and administration is authorized to establish a reserve in such amount as of June 30, 1997.

H #0929

AND FURTHER AMEND by adding to Section 43 of the printed bill a new item:

Item _____. It is the legislative intent to recognize a base over-appropriation in the general fund of \$70,000,000 in 1996-97 and in 1997-98. Pursuant to the provisions of Tennessee Code Annotated, Section 9-6-120(b), it is the legislative intent to recognize an additional over-appropriation of \$37,500,000 in 1996-97 through reduction in expenditures to offset the general fund revenue shortfall in 1996-97.

Further, it is the legislative intent that the amount of the over-appropriation upon which initial budget estimates are made should reflect that amount of appropriations to agencies in the general fund which, through normal operations, would be expected to be unobligated at the end of the fiscal year. To the extent practical, from state funds appropriated herein which may become available due to overcollections of federal or other non-state revenue, the commissioner of finance and administration is urged and authorized to reduce the over-appropriation for 1997-98 to an amount not less than \$50,000,000. The commissioner of finance and administration is urged to present the 1998-99 budget upon the basis of a general fund over-appropriation not to exceed \$50,000,000.

H #0930

AND FURTHER AMEND by reducing the appropriation made in Section I, Title III, Item 2.1 by the amount of \$731,800.

AND FURTHER AMEND by reducing the appropriation made in Section 1, Title II, Item 1. Appellate and Trial Courts in the amount of \$185,000 such amount being the improvement funds for a new circuit court in the 26th judicial district.

AND FURTHER AMEND by reducing the appropriation in Section 1, Title III-7, in the amount of \$1,800,000 in order to reflect the cost avoidance resulting from passage of Senate Bill 1661 / House Bill 1265, (the Technical Violator Bill).

H #0931

by adding the following new section to be appropriately numbered:

Section _____. The appropriation to the department of correction for the Sentencing Act of 1985 is reduced by the sum of three million seven hundred thousand dollars (\$3,700,000).

H #0932

by adding the following new section to be appropriately numbered:

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Section _____. The appropriation to the department of labor for computer systems is reduced by the sum of one million five hundred thousand dollars (\$1,500,000).

H #0933by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of ten million dollars (\$10,000,000) for the sole purpose of distribution to the institutions of the University of Tennessee and the state Board of Regents systems in accordance with the following schedule:

Institution/Unit	Recurring
Austin Peay	\$182,800
Middle Tennessee	1,770,700
Tennessee State	365,800

Subtotal TBR Universities \$ 2,319,300

Chattanooga	\$339,500
Columbia	662,300
Dyersburg	285,400
Jackson	121,500
Nashville State Tech	357,000
NorthEast	581,600
Pellissippi	153,500
Roane	13,300
Volunteer	1,389,900
Walters State	721,700

Subtotal 2-Year Institutions \$4,625,700

Subtotal Academic Units \$6,945,000

Technology Centers	3,055,000
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Total Formula Units \$ 10,000,000

H #0934
by adding the following new item at the end of Section 41:

Item _____. No funds appropriated to the Tennessee historical commission or any other state entity by the provisions of this act shall be used for contracting with an out-of-state person, entity or government to administer the Tennessee Main Street Program.

H #0935
by adding the following new item at the end of Section 41:

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Item _____. From the funds in the Revenue Fluctuation Reserve, there is earmarked and appropriated the sum of ten million three hundred sixty-four thousand eight hundred dollars (\$10,364,800) to the department of finance and administration for the sole purpose of reducing the need to transfer funds from the Tennessee Housing Development Authority. Such funds shall not revert at June 30, 1997, but shall be carried forward in a reserve to be expended in the 1997-98 fiscal year. It is the intention of the general assembly that any overcollections of revenues not otherwise obligated by the provisions of this act be used to restore such funding to the Revenue Fluctuation Reserve.

H #0936

by adding the following new item at the end of Section 10:

Item _____. From the funds appropriated for state employees salary adjustments by the provisions of Section 1, Title III-21, Item 13, there is earmarked the sum of two hundred fifty thousand dollars (\$250,000) to be allocated to the general assembly for the sole purpose of salary adjustments.

H #0937

by adding the following new item at the end of Section 10:

Item _____. The commissioner of finance and administration is authorized to transfer from the treasury department to the revenue department one position and appropriate funding in recognition of changes being made in the state's deposit process. In addition, the commissioner is authorized to transfer from treasury department reserves to the revenue department funding for computer enhancements necessary to change the state's deposit process. The transfers authorized by this item are subject to the approval of the state treasurer.

H #0938

by adding the following new section to be appropriately numbered:

Section _____. Section 1, Title III--21, Item 15 of the original bill is hereby deleted. From the funds appropriated to the Tennessee Higher Education Commission by the provisions of this act, there is earmarked the sum of one hundred thousand dollars (\$100,000) to provide funding for the Higher Education Study Panel.

H #0939

by adding the following new section to be appropriately numbered:

Section _____. It is the legislative intention to recognize a savings in the career ladder program in an amount not to exceed three million dollars (\$3,000,000) pursuant to the provisions of House Bill No. 209 / Senate Bill No. 25, subject to such bill becoming law.

H #0940

by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of one hundred thousand dollars (\$100,000) to the comptroller of the treasury for the sole purpose of conducting a study of the state judicial system. Such study shall include comparison of caseloads, work assignments, and distribution of public defenders and their assistants, district attorneys general and their assistants, criminal investigators and judges.

H #0941

in Section 42, Item 2 of the printed bill by deleting the words and figures "twenty-five thousand dollars (\$25,000)" wherever they appear and substituting the words and figures "one hundred thousand dollars (\$100,000)".

H #0942

by deleting the original Item 4 of Section 10 in its entirety and by substituting instead the following:

Item 4. From the funds appropriated to the TennCare program, the state shall comply with applicable federal law.

by deleting the original Item 9 of Section 43 in its entirety.

by deleting the language of Section 47, Item 1. and substituting instead therefore the following:

Notwithstanding the provisions of Chapter 1083, Public Acts of 1996, to the contrary, to the extent state revenues and/or other funds made available to the general fund for the fiscal year ending June 30, 1997, exceed the requirements of such fund for the year ending June 30, 1997, the commissioner of finance and administration is authorized to establish the Revenue Fluctuation Reserve in the amount of \$91,035,200; provided, however, that if additional revenues and/or other funds made available to the general fund exceed such amount, the commissioner is authorized to increase such reserve. To the extent the Revenue Fluctuation Reserve is established in an amount at least equal to \$91,035,200, the commissioner is further authorized to establish as of June 30, 1997, a Reserve for 1998-99 Appropriations.

Rep. Givens moved the previous question on Amendment No. 2, which motion prevailed by the following vote:

Ayes	76
Noes	15

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Curtiss, DeBerry J., DeBerry L., Eckles, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones U., Kent, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Patton, Phelan, Phillips, Pleasant, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Turner (Hamilton), Walker, Walley, West, Westmoreland, Whitson, Williams, Windle, Winningham, Wood -- 76.

Representatives voting no were: Boner, Brooks, Brown, Cross, Davidson, Dunn, Ferguson, Fitzhugh, Maddox, Odom, Pinion, Ridgeway, Towns, Turner (Shelby), White -- 15.

On motion, Amendment No. 2 was adopted.

Rep. Brooks moved adoption of Amendment No. 3 as follows:

Amendment No. 3

AMEND House Bill No. 1793 by adding the following new item at the end of Section 12:

Item _____. There is earmarked a sum sufficient from each department from existing resources for the sole purpose of providing adequate resources by department to be devoted to compliance and enforcement of Title VI of the 1964 Civil Rights Act.

Rep. McDaniel moved that Amendment No. 3 be tabled, which motion prevailed.

Rep. Stamps moved the previous question, which motion prevailed.

Rep. McDaniel moved that **House Bill No. 1793**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 91
Noes 5

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Wood, Mr. Speaker Naifeh -- 91.

Representatives voting no were: Brooks, Cooper, Maddox, Towns, Winningham -- 5.

A motion to reconsider was tabled.

House Bill No. 1794 -- Bond Issues - Authorizes \$135.8 million bond issue to fund state projects. by *McDaniel, *Kisber, *Stamps, *Davis R, *Walley. (*SB1697 by *Henry, *McNally, *Atchley, *Elsea, *Person, *Jordan, *Miller J, *Ramsey, *Williams, *Carter, *Crowe, *Koella, *Fowler)

Rep. McDaniel moved that **House Bill No. 1794** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 96
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 1401 -- Pensions and Retirement Benefits - Allows retirement allowance increase if consumer price index rises at least 0.5 percent instead of present 1 percent. Amends TCA Section 8-36-701. by *Kisber, *Head, *Davidson, *Davis R, *Cross, *Naifeh, *Stulce, *Maddox, *Huskey, *Kent, *McKee, *Cole (Carter), *Rhinehart, *Wood, *Rinks, *Cole (Dyer), *McDaniel, *Winningham, *Curtiss, *Ferguson, *Arriola, *Lewis, *Walley. (*SB517 by *Rochelle, *Crutchfield, *Womack, *Haun, *Atchley, *McNally, *Crowe, *Crowe)

Rep. Kisber moved that House Bill No. 1401 be passed on third and final consideration.

Rep. Head moved adoption of Council on Pensions and Insurance Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1401 by deleting from the amendatory language in Sections 2 and 4 the figures "1997" wherever they appear and by substituting instead the figures "1998".

On motion, Amendment No. 1 was adopted.

Rep. Kisber moved that **House Bill No. 1401**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

***House Bill No. 166** -- Pensions and Retirement Benefits - Allows death beneficiaries in TCRS to decline those benefits, if done in writing and filed with division of retirement prior to any payment. Amends TCA Title 8, Chapter 34; Title 8, Chapter 35; Title 8, Chapter 36; Title 8, Chapter 37. by *Head, *Rhinehart. (SB379 by *Atchley)

Rep. Head moved that House Bill No. 166 be passed on third and final consideration.

Rep. Head moved adoption of Council on Pensions and Insurance Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 166 by deleting the directory and amendatory language in SECTIONS 1 through 3 and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 8-34-101(4)(B), is amended by adding the following as a new item (ii) and by redesignating the subsequent items accordingly:

(ii) Notwithstanding subdivision (4)(B)(i) of this section, effective July 1, 1998, such increases in the annual earnable compensation shall continue indefinitely for any member covered by the noncontributory provisions of the retirement system on July 1, 1981, or upon the effective date of the noncontributory provisions for any member covered after July 1, 1981, unless such members are employees of employers participating in the retirement system pursuant to chapter 35 of this title. The governing body of any such

employer may at its discretion authorize and accept the liability for such continued increases by resolution;

SECTION 2. Implementation of the provisions of this act shall be subject to the funding being provided in the general appropriations act.

SECTION 3. This act shall take effect on July 1, 1998, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Head moved that **House Bill No. 166**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	96
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 1220 -- Bond Issues - Revises 1996 general bond bill to provide that grants of bond funds may be made to governmental entities and not-for-profits in Shelby County, Memphis, Knoxville, Chattanooga and Johnson City Amends Chapter 952 of the Public Acts of 1996. by *McDaniel, *Kisber, *Bittle. (*SB1616 by *Atchley, *McNally, *Henry, *Crutchfield, *Cohen, *Person, *Crowe, *Carter, *Dixon, *Leatherwood, *Wilder)

On motion, House Bill No. 1220 was made to conform with **Senate Bill No. 1616**; the Senate Bill was substituted for the House Bill.

Rep. McDaniel moved that Senate Bill No. 1616 be passed on third and final consideration.

Rep. McDaniel moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 1616 by deleting Section 1 of the bill in its entirety and substituting a new Section 1 to read:

SECTION 1. Chapter 952 of the Public Acts of 1996, Section 4, subsection 1, is hereby clarified and amended by adding the following language at the end of the sentence prior to the punctuation ":

and further expressly providing for the making of grants to governmental entities and not-for-profit organizations located in Memphis, Shelby County, Knoxville, Chattanooga and Johnson City, if such grants are identified in the governor's budget, including the budget overview, for the fiscal year 1996-97 and approved by the state building commission. Such grants so identified and approved are determined to be for a public purpose.

On motion, Amendment No. 1 was adopted.

Rep. McDaniel requested that Senate Bill No. 1616 be moved to the heel of the Calendar.

***House Bill No. 1822** -- Tennessee Bureau of Investigation - Establishes criminal intelligence unit in criminal investigation division. Amends TCA Title 38, Chapter 6, by *Westmoreland, *Kent, *McDaniel, *Davis R, *Stamps, *Pleasant, *Newton, *Lewis, *Bittle. (SB1929 by *Fowler, *McNally, *Atchley, *Miller J, *Person, *Jordan, *Koella, *Ramsey, *Carter, *Gilbert, *Eisea, *Leatherwood, *Crowe, *Williams)

Rep. Westmoreland moved that House Bill No. 1822 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1822 by deleting in the amendatory language of Section 1 the words "as defined by the Criminal Gang Activity Act of 1997".

On motion, Amendment No. 1 was adopted.

Rep. Westmoreland moved that **House Bill No. 1822**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	95
Noes.....	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 1510 -- Taxes, Sales - Increases from 30 to 35 years term for issuance of bonds for construction of sports facility eligible for special tax treatment. Amends TCA Title 7, Chapter 67 and Title 67, Chapter 6. by *Miller L, *Kent, *Cooper B, *Scroggs, *DeBerry L, *Bowers, *DeBerry J, *Towns, *Hassell. (*SB1464 by *Cohen, *Ford J)

On motion, House Bill No. 1510 was made to conform with **Senate Bill No. 1464**; the Senate Bill was substituted for the House Bill.

Rep. Miller moved that Senate Bill No. 1464 be passed on third and final consideration.

On motion, Rep. U. Jones withdrew State & Local Government Committee Amendment No. 1.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 1464 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. Tennessee Code Annotated, Section 67-6-103(d)(1)(C), is amended by deleting from the last sentence the language "April 1, 1999" and by substituting instead the language "January 1, 2000".

On motion, Amendment No. 2 was adopted.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 2 as House Amendment No. 3 as follows:

Amendment No. 3

AMEND Senate Bill No. 1464 by deleting SECTION 1 in its entirety and by substituting instead the following new SECTION 1:

SECTION 1. Tennessee Code Annotated, Section 67-6-103, is amended in subdivision (d)(1)(C) by deleting the following sentence:

"Any state sales taxes so apportioned shall be used for capital improvements to the sports facility."

and by substituting instead the following:

Any state sales taxes so apportioned shall be used by the local sports authority. Such authority shall not expend or obligate such funds to reimburse any NFL team for travel expenses or for any other payment to such NFL team unless approved by a majority of both the county commission and the city council. No later than July 1 of each year, the sports authority shall file a report with the chief executive officer and the legislative body of the municipality and county in which such authority is located which details expenditures and obligations of the sports authority during the preceding year.

On motion, Amendment No. 3 was adopted.

Rep. Miller moved that **Senate Bill No. 1464**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	86
Noes	0
Present and not voting.....	6

Representatives voting aye were: Armstrong, Arriola, Bird, Bone, Boner, Bowers, Brooks, Brown, Buck, Burchett, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 86.

Representatives present and not voting were: Beavers, Bittle, Boyer, Caldwell, Kernell, McDonald -- 6.

A motion to reconsider was tabled.

House Bill No. 1066 -- Hospitals and Health Care Facilities - Requires health care plans to cover emergency services that hospital emergency departments must provide Amends TCA Title 56, Chapter 7, Part 23 and Title 68, Chapter 140, Part 3. by *Head, *Cole (Dyer), *Jackson, *Williams (Williamson), *Caldwell. (*SB1346 by *Cooper, *McNally, *Cohen)

Rep. Head moved that House Bill No. 1066 be passed on third and final consideration.

Rep. Phelan moved adoption of Commerce Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1066 by deleting the amendatory language of Section 1 in its entirety and inserting in lieu thereof the following:

Section _____. (a) As used in this section, unless the context otherwise requires:

(1) "Emergency medical condition" means the sudden onset of a health condition that requires immediate medical attention, where failure to provide medical attention for those presenting symptoms could reasonably be expected to result in serious impairment to bodily functions or serious dysfunction of a bodily organ or part, or could reasonably be expected to place the person's health in serious jeopardy.

(2) "Emergency services" means health care items and services furnished in a hospital which are required to determine, evaluate and/or treat an emergency medical condition, until the condition is stabilized, as directed or ordered by a physician or directed by physician or hospital protocol.

(3) "Health benefit plan" means any hospital or medical expense policy, health, hospital or medical service corporation contract, a policy or agreement entered into by a health insurer or a health maintenance organization contract offered by an employer, other plans administered by the state government, or any certificate issued under any such policies, contracts or plans. "Health benefit plan" does not include policies or certificates covering only accident, credit, dental, disability income, long-term care, hospital indemnity, Medicare supplement as defined in Section 1882(g)(1) of the Social Security Act, specified disease, vision care, other limited benefit health insurance, coverage issued as a supplement to liability insurance, workers compensation insurance, automobile medical-payment insurance, or insurance under which benefits are payable with or without regard to fault and which is statutorily required to be contained in any liability insurance policy or equivalent self-insurance.

(4) "Health insurer" means any entity offering a health benefit plan as defined in (c) above.

(5) "Participating provider" means a provider who, under a contract with the health insurer or with its contractor or subcontractor, has agreed to provide one or more health care services to enrollees of the health insurer's health benefit plan with an expectation of receiving payment, other than coinsurance, copayments or deductibles, directly or indirectly from the health insurer.

(6) "Provider" means a physician, hospital or other person which is licensed, accredited or certified to perform specified health care services pursuant to Titles 63, Chapters 6 or 9, or 68, Tennessee Code Annotated.

(7) "Physician" means a person licensed or permitted to practice medicine and surgery under Title 63, Chapter 6 or 9, Tennessee Code Annotated.

(8) "Stabilized" means with respect to an emergency medical condition, that no material deterioration of the condition is likely, within a reasonable medical probability, to result from or occur during the transfer of the individual from a facility.

(b)(1) A health benefit plan shall not deny coverage for emergency services if the symptoms presented by an enrollee of a health benefit plan and recorded by the attending provider indicate that an emergency medical condition could exist, regardless of whether or not prior authorization was obtained to provide those services and regardless of whether or not the provider furnishing the services has a contractual agreement with the health benefit plan for the provision of such services to such enrollee.

(2) If a participating provider or other authorized representative of a health insurer authorizes emergency services, the health insurer shall not subsequently rescind or modify that authorization after the provider renders the authorized care in good faith and pursuant to the authorization except for payments made as a result of misrepresentation, fraud, omission or clerical error.

(3) Once an enrollee is stabilized pursuant to subsection () (h), a health benefit plan may require as a condition of further coverage that a provider shall promptly contact the health insurer for prior authorization for continuing treatment, specialty consultations, transfer arrangements or other medically necessary and appropriate care for an enrollee.

(4) Coverage of emergency services shall be subject to applicable copayments, coinsurance and deductibles.

On motion, Amendment No. 1 was adopted.

Rep. Head moved that **House Bill No. 1066**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....96

Noes0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

***House Bill No. 387** -- Criminal Offenses - Requires commissioner of revenue to give dealer in violation of TCA Title 67, Chapter 6, ten business days' notice in writing requiring dealer to appear before commissioner. Amends TCA Title 39 and Title 67. by *Hargett. (SB959 by *Leatherwood)

Rep. Hargett moved that House Bill No. 387 be passed on third and final consideration.

Rep. Phelan moved adoption of Commerce Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 387 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 67-6-201 is amended by adding the following language as a new appropriately designated subdivision:

() Engages in the business of selling or renting videocassette tapes or films in this state.

SECTION 2. Tennessee Code Annotated, Title 67, Chapter 6, Part 2, is amended by adding the following language as a new appropriately designated Section:

SECTION _____. (a) There is levied a one dollar (\$1.00) fee on the privilege of selling or renting any videocassette tape or film whose display is restricted pursuant to § 39-17-914.

(b) Such fee shall be imposed on each sale or rental of such videocassettes or films. Twenty-five percent (25%) of all revenues generated from such user fees shall be deposited in the state general fund and earmarked for victim assistance purposes as provided in § 9-4-205, to be used in the development of county victim assistance centers; twenty-five percent (25%) of all revenues shall be earmarked for spousal and domestic violence abuse as provided in § 36-3-616; and fifty percent (50%) of all revenues generated shall be deposited in the state general fund.

(c) Revenues generated from the user fee and earmarked for specific purposes other than for deposit into the general fund shall be appropriated by the governing body of the county where such revenue is collected.

SECTION 3. This act shall take effect July 1, 1997, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Hargett moved that **House Bill No. 387**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	94
Noes.....	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood -- 94.

A motion to reconsider was tabled.

CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker pro tempore.

REGULAR CALENDAR, CONTINUED

***House Bill No. 410** -- Driver Licenses - Requires department of safety to notify licensee of suspension by certified mail, return receipt requested at least 10 working days prior to suspension and 20 working days if commercial driver's license. Amends TCA Section 55-50-502. by *Bowers, *Jones U (Shelby), *Miller L, *Cooper B, *Brooks. (SB732 by *Kyle)

Rep. Bowers moved that House Bill No. 410 be passed on third and final consideration.

Rep. Robinson moved adoption of Transportation Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 410 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-50-502, is amended by adding the following language as a new, appropriately designated subsection:

()

(1) The department shall establish a method by which any person who makes application for or who holds a commercial driver license may elect an alternate address to which any suspension notices shall be mailed.

(2) At least two (2) times per month during two (2) different weeks of such month, the department shall make available for public inspection a list of persons whose commercial driver license has been suspended.

SECTION 2. Tennessee Code Annotated, Section 55-50-502(a)(9), is amended by deleting the words and figure "twenty (20) days" and by substituting instead the words and figure "thirty (30) days".

SECTION 3. This act shall take effect September 1, 1997, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Bowers moved that **House Bill No. 410**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 95
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 1119 -- Highways, Roads and Bridges - Directs commissioner of transportation to submit to U. S. department of transportation preferred interstate route for high priority corridor through portion of Shelby County in relative proximity to U.S. 51 and runs through Zip Code 38127. Amends TCA Title 54. by *Cooper B, *Miller L. (*SB1213 by *Kyle)

On motion, House Bill No. 1119 was made to conform with **Senate Bill No. 1213**; the Senate Bill was substituted for the House Bill.

Rep. Cooper moved that Senate Bill No. 1213 be passed on third and final consideration.

On motion, Rep. Robinson withdrew Transportation Committee Amendment No. 1.

Rep. Cooper moved that **Senate Bill No. 1213** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	93
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

House Bill No. 1379 -- Education - Provides for specific funding for technology equipment and necessary associated school infrastructure improvements, in addition to BEP funding. Amends TCA Title 49, Chapter 1, by *Cooper B, *Bowers, *DeBerry J, *Miller L, *Jones U (Shelby), *Turner (Shelby). (*SB969 by *Ford J)

On motion, House Bill No. 1379 was made to conform with **Senate Bill No. 969**; the Senate Bill was substituted for the House Bill.

Rep. Cooper moved that Senate Bill No. 969 be passed on third and final consideration.

On motion, Rep. Davidson withdrew Education Committee Amendment No. 1.

Rep. Cooper moved that **Senate Bill No. 969** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	94
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odum, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

House Bill No. 436 -- Probate Law - Makes various changes to probate, trust, gift and estate provisions. Amends TCA Title 30; Title 31; Title 32; Title 34 and Title 35. by *Fowlkes, *Rinks. (*SB429 by *Fowler)

On motion, House Bill No. 436 was made to conform with **Senate Bill No. 429**; the Senate Bill was substituted for the House Bill.

Rep. Fowlkes moved that Senate Bill No. 429 be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 2.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 3.

Rep. Kisber requested that Finance, Ways & Means Amendment No. 1 as House Amendment No. 4 be moved to the heel of the Amendments.

Rep. Buck moved adoption of Amendment No. 5 as follows:

Amendment No. 5

AMEND Senate Bill No. 429 by deleting Sections 1, 2, 3, 7, and 11.

On motion, Amendment No. 5 was adopted.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment 1 as House Amendment No. 4 as follows:

Amendment No. 4

AMEND Senate Bill No. 429 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. Tennessee Code Annotated, Title 34, Chapter 6, Part 1, is amended by adding the following new section:

Gifts under Power of Attorney. (a) If any power of attorney or other writing:

(1) Authorizes an attorney-in-fact or other agent to do, execute or perform any act that the principal might or could do; or

(2) Evidences the principal's intent to give the attorney-in-fact or agent full power to handle the principal's affairs or to deal with the principal's property, then the attorney-in-fact or agent shall have the power and authority to make gifts, in any amount, of any of the principal's property, to any individuals, or to organizations described in §§ 170(c) and 2522(a) of the Internal Revenue Code or corresponding future provisions of the federal tax law, or both in accordance with the principal's personal history of making or joining in the making of lifetime gifts. This section shall not in any way limit the right or power of any principal, by express words in the power of attorney or other writing, to authorize, or limit the authority of, any attorney-in-fact or other agent to make gifts of the principal's property.

(b) If the provisions of paragraph (a) above do not apply, an attorney-in-fact or other agent acting under a durable general power of attorney or other writing may petition a court of the principal's domicile for authority to make gifts of the principal's

property to the extent not inconsistent with the express terms of the power of attorney or other writing. The court shall determine the amounts, recipients and proportions of any gifts of the principal's property after considering all relevant factors including, without limitation:

(1) the value and nature of the assets of the principal's estate;

(2) The principal's foreseeable obligations and maintenance needs;

(3) The principal's existing estate plan; and

(4) The gift and estate tax effects of the gifts.

(c) This act is declaratory of existing law in the state of Tennessee, provided that this act shall not be construed as authorizing the refund of any taxes imposed by Title 67, Chapter 8.

On motion, Amendment No. 4 was adopted.

Rep. Fowlkes moved that **Senate Bill No. 429**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 95
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Wingham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 1621 -- Criminal Procedure - Establishes procedure for judicial forfeiture of property acquired through criminal activity and certain personal property used to commit crime. Amends TCA Section 39-11-116. by *Hargrove. (*SB1469 by *Kyle)

Rep. Hargrove moved that House Bill No. 1621 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1621 by deleting the second sentence of subsection (e) of the amendatory language of SECTION 7 in its entirety.

FURTHER AMEND by deleting the final sentence of subsection (a) of the amendatory language of SECTION 8 in its entirety.

On motion, Amendment No. 1 was adopted.

Rep. Miller moved the previous question, which motion prevailed.

Rep. Hargrove moved that **House Bill No. 1621**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	91
Noes	1
Present and not voting	3

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

Representatives voting no were: Turner (Shelby) -- 1.

Representatives present and not voting were: Brooks, Eckles, Head -- 3.

A motion to reconsider was tabled.

House Bill No. 861 -- Economic and Community Development, Dept. of - Establishes Tennessee corporation for science and technology development. Amends TCA Title 4. by *Kisber, *Caldwell, *Lewis. (*SB628 by *Henry, *Crowe, *McNally, *Gilbert, *Atchley)

Rep. Kisber requested that House Bill No. 861 be moved down 5 places on the Calendar.

***House Bill No. 90** -- Penal and Reformatory Institutions - Increases from three to five number of persons who may be appointed by county legislative bodies to inspect local jails Amends TCA Title 4; Title 8, Chapter 26; Title 39; Title 40 and Title 41. by *Boner, *Odom. (SB785 by *Burks)

Rep. Boner moved that House Bill No. 90 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 90 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 40-35-316, is amended by designating the existing language as subsection (a) and by adding the following new subsection (b):

(b) The sentencing court shall have no authority to grant a furlough to a defendant pursuant to the authority of subsection (a) for the purpose of allowing such defendant to work. If the sentencing court is of the opinion that the defendant should be released for the purpose of allowing such defendant to work, the court shall place the defendant in the work release program formulated in that jurisdiction provided such defendant is otherwise eligible for work release.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Boner moved that **House Bill No. 90**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 1110 -- Juvenile Offenders - Deletes requirement that juvenile judge must dismiss proceeding and discharge child found to have committed delinquent acts if court finds such child not in need of treatment or rehabilitation Amends TCA Section 37-1-129. by *Boner, *Jones, S.. (*SB344 by *Haynes)

Rep. Boner moved that House Bill No. 1110 be passed on third and final consideration.

Rep. Turner (Hamilton) moved adoption of Children and Family Affairs Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1110 by deleting Section 1 and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 37-1-129(b), is amended by deleting the second and third sentences and by substituting instead the following:

If the court finds that the child is not in need of treatment or rehabilitation, it may dismiss the proceeding and discharge the child from any detention or other restriction theretofore ordered. In the absence of evidence to the contrary, evidence of the commission of acts which constitute a felony or which reflect recidivistic delinquency is sufficient to sustain a finding that the child is in need of treatment or rehabilitation.

On motion, Amendment No. 1 was adopted.

Rep. Boner moved that **House Bill No. 1110**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 95
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

REGULAR CALENDAR, CONTINUED

House Bill No. 1360 -- Attorney General and Reporter - Authorizes attorney general and reporter to investigate and prosecute judges or district attorneys if appropriate district attorney general unable to do so because of conflict; authorizes judiciary committees to request investigation. Amends TCA Title 8 and Title 40. by *Ritchie, *McMillan, *Chumney. (*SB1629 by *Harper)

Rep. Chumney moved that House Bill No. 1360 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1360 by deleting subsection (b) of the amendatory language of SECTION 1 of the printed bill in its entirety and by relettering subsequent subsections accordingly.

On motion, Amendment No. 1 was adopted.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 1360 by deleting from subsection (a) of the amendatory language of SECTION 1 the language "conduct an investigation" and substituting instead the language "conduct an investigation and shall have the authority to initiate the criminal prosecution".

On motion, Amendment No. 2 was adopted.

Rep. Chumney moved that **House Bill No. 1360**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	97
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn,

Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 1038 -- Civil Procedure - Redefines "person" to include governmental entity for purposes of joining such persons as third party defendants. Amends TCA Section 20-1-119. by *Ritchie. (*SB1412 by *Gilbert)

Without objection, House Bill No. 1038 was moved to the heel of the Calendar.

House Bill No. 1036 -- Massage - Revises from October 1, 1995 to October 1, 1997, when person may certify that has completed 500 hours of massage in order to be eligible for massage therapist license. Amends TCA Title 63, Chapter 18, Part 2. by *Ritchie, *DeBerry L. (*SB1429 by *Gilbert)

Rep. L. DeBerry moved that House Bill No. 1036 be passed on third and final consideration.

Rep. Armstrong requested that Health & Human Resources Amendment No. 1 be moved to the heel of the Amendments.

Rep. L. DeBerry requested that Amendment No. 2 be moved to the heel of the Amendments.

Rep. L. DeBerry moved adoption of Amendment No. 3 as follows:

Amendment No. 3

AMEND House Bill No. 1036 by deleting Section 1 and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 63-18-205(b)(3), is amended by deleting item (D) and by substituting instead the following:

(D) Accrued, prior to October 1, 1995, five hundred (500) hours of documented experience as a massage therapist with the documented experience satisfactorily presented to the board within eighteen (18) months of October 1, 1995; and

On motion, Amendment No. 3 was adopted.

Rep. Armstrong moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1036 by deleting Section 1 in its entirety and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 63-18-205, is amended by adding the following as a new, appropriately designated subsection:

Notwithstanding any other provision of law, rule or regulation to the contrary, due to special circumstances, any applicant who: (1) has been engaging in massage therapy on the premises of a non-profit health facility for not less than twenty-nine (29) years; (2) is legally blind; and (3) has five hundred (500) hours of documented experience as an unlicensed massage therapist before October 1, 1995 may make application to the Tennessee Massage Licensure Board for a license provided that verification of these qualifications is received by the board administrative office on or before October 1, 1997.

On motion, Amendment No. 1 was adopted.

Rep. Armstrong moved to reconsider action in Amendment No. 1, which motion prevailed.

On motion, Rep. Armstrong withdrew Health & Human Resources Committee Amendment No. 1.

Rep. L. DeBerry moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Givens moved the previous question, which motion prevailed.

Rep. L. DeBerry moved that **House Bill No. 1036**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 96
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West,

Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 861 -- Economic and Community Development, Dept. of - Establishes Tennessee corporation for science and technology development. Amends TCA Title 4. by *Kisber, *Caldwell, *Lewis. (*SB628 by *Henry, *Crowe, *McNally, *Gilbert, *Atchley)

Further consideration of House Bill No. 861, previously considered on today's Calendar.

Rep. Kisber moved that House Bill No. 861 be passed on third and final consideration.

Rep. Kemell moved adoption of Government Operations Committee Amendment No. 1 as follows:
Amendment No. 1

AMEND House Bill No. 861 by adding the following as a new section to precede the effective date section:

SECTION _____. Tennessee Code Annotated, Section 4-29-220(a), is amended by adding a new item thereto, as follows:

() Tennessee technology development corporation, created by Section 2 of this act;

On motion, Amendment No. 1 was adopted.

Rep. Brooks moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 861 by inserting the following as a new, appropriately designated section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. No expenditure of public funds pursuant to this act shall be made in violation of the provisions of Title VI of the Civil Rights Act of 1964, as codified in 42 United States Code 2000d.

Rep. Westmoreland moved that Amendment No. 2 be tabled, which motion prevailed.

Rep. Kisber moved that **House Bill No. 861**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 94
 Noes 2

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brown, Buck, Burchett, Caldwell, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

Representatives voting no were: Brooks, Turner (Shelby) -- 2.

A motion to reconsider was tabled.

House Bill No. 1354 -- Landlord and Tenant - Removes landlord's requirement that prospective tenants be furnished with security deposit account; extends period of time in which landlord must inspect premises and make list of damages to two working days rather than at time of termination of occupancy. Amends TCA Title 66, Chapter 28, Part 3. by *Ritchie, *McMillan. (*SB1031 by *Gilbert)

On motion, House Bill No. 1354 was made to conform with **Senate Bill No. 1031**; the Senate Bill was substituted for the House Bill.

Rep. McMillan moved that Senate Bill No. 1031 be passed on third and final consideration.

On motion, Rep. Phelan withdrew Commerce Committee Amendment No. 1.

Rep. McMillan moved that **Senate Bill No. 1031** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 97
 Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley,

WEDNESDAY, MAY 28, 1997 -- FORTY-EIGHTH LEGISLATIVE DAY

West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

RECESS MOTION

On motion of Rep. Hargrove, the House stood in recess until 2:00 p.m.

ENROLLED BILLS

May 28, 1997

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Resolution(s) No(s). 68, 95, 96, 97, 98, 100, 101, 102, 104, 105, 106, 107, 108, 109, 110 and 111; and find same correctly enrolled and ready for the signature of the Speaker.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

May 28, 1997

The Speaker signed the following: House Resolution(s) No(s). 68, 95, 96, 97, 98, 99, 100, 101, 102, 104, 105, 106, 107, 108, 109, 110 and 111.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENGROSSED BILLS

May 28, 1997

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 756, 811, 2022, 2023 and 2024, also, House Joint Resolution(s) No(s). 390, 391, 392, 393, 394 and 395.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENGROSSED BILLS

May 28, 1997

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 146, 205, 1124, 1606, 1806 and 1836.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENGROSSED BILLS

May 28, 1997

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 1794, 1796, 1804 and 1886.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENGROSSED BILLS

May 28, 1997

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 1793.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

RECESS EXPIRED

The recess having expired, the House was called to order by Mr. Speaker Naifeh.

QUORUM CALL

A quorum call was taken with the following results:

Present 72

Representatives present and not voting were: Armstrong, Arriola, Beavers, Bird, Bone, Boner, Bowers, Brooks, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Godsey, Goins, Gunnels, Halteman-Harwell, Hargett, Hargrove, Head, Hicks, Hood, Kent, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Patton, Phelan, Phillips, Pinion, Pleasant, Rinks, Ritchie, Roach, Robinson, Sargent, Scroggs, Sharp, Stulce, Tidwell, Towns, Walker, Walley, West, Westmoreland, Whitson, Williams, Windle, Wood, Mr. Speaker Naifeh -- 72.

ROLL CALL DISPENSED WITH

On motion of Rep. Hargrove, the roll call was dispensed with.

REGULAR CALENDAR, CONTINUED

***House Bill No. 371** -- Anatomical Gifts - Makes certain changes to anatomical gifts provisions; updates uniform laws in this area. Amends TCA Title 68, Chapter 30. by *Williams (Williamson). (SB1241 by *Herron, *Haynes, *Williams)

Further consideration of House Bill No. 371, previously considered on today's Calendar.

WEDNESDAY, MAY 28, 1997 -- FORTY-EIGHTH LEGISLATIVE DAY

Rep. Williams requested that House Bill No. 371 be moved down 2 places on the Calendar.

House Bill No. 1898 -- Election Laws - Establishes criminal penalty for pattern of violation by PAC officers Amends TCA Title 2, Chapter 10. by *Ritchie, *Tindell, *Jackson. (*SB1819 by *Gilbert)

Rep. Ritchie requested that House Bill No. 1898 be moved to the heel of the Calendar.

House Bill No. 1047 -- Motor Vehicles, Titling and Registration - Increases allotment of dealer plates per dealership from 125 to 150. Amends TCA Title 55. by *Ritchie, *Armstrong. (*SB1389 by *Gilbert)

Rep. Ritchie requested that House Bill No. 1047 be moved to the heel of the Calendar.

***House Bill No. 371** -- Anatomical Gifts - Makes certain changes to anatomical gifts provisions; updates uniform laws in this area. Amends TCA Title 68, Chapter 30. by *Williams (Williamson). (SB1241 by *Herron, *Haynes, *Williams)

Further consideration of House Bill No. 371, previously considered on today's Calendar.

On motion, House Bill No. 371 was made to conform with **Senate Bill No. 1241**; the Senate Bill was substituted for the House Bill.

Rep. Williams moved that Senate Bill No. 1241 be passed on third and final consideration.

On motion, Rep. Armstrong withdrew Health & Human Resources Committee Amendment No. 1.

Rep. Williams moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 1241 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The title of this act is and may be cited as "The William J. Warner/Green Hills Rotary Club Organ Procurement Act of 1997".

On motion, Amendment No. 2 was adopted.

Rep. Williams moved that **Senate Bill No. 1241**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 99
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odum, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

House Bill No. 1785 -- Consumer Protection - Requires commissioner of commerce and insurance rather than division of consumer affairs to request attorney general to bring consumer protection actions; requires commissioner to confer with department counsel and staff of appropriate regulatory boards before requesting such assistance. Amends TCA Title 47 and Title 56. by *West, *Odum, *Jones, S.. (*SB1587 by *Henry)

Rep. West moved that House Bill No(s). 1785 be reset for the Regular Calendar on Thursday, May 29, 1997, which motion prevailed.

House Bill No. 1399 -- Taxes, Privilege - Increases minimum franchise tax from \$10.00 to \$20.00. Amends TCA Title 4 and Title 67, Chapter 4. by *Kisber, *Lewis. (*SB1637 by *Cooper)

Rep. Kisber moved that House Bill No. 1399 be passed on third and final consideration.

Rep. Kisber requested that Finance, Ways & Means Amendment No. 1 be moved to the heel of the Amendments.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 1399 by deleting in its entirety all the language following the enacting clause, and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Section 67-4-1903, is amended by deleting the section in its entirety.

SECTION 2. Tennessee Code Annotated, Section 67-4-1905, is amended by deleting the section in its entirety and substituting instead the following language:

(a) All revenue received by the commissioner from this surcharge or tax shall be deposited in the state general fund; except as provided hereafter.

(b) In the 1997-1998 fiscal year and in each fiscal year thereafter, one and one-half million dollars (\$1,500,000) shall be allocated to the department of safety to be used exclusively to train, equip, and pay members of the Tennessee Highway Patrol.

SECTION 3. This act shall take effect on July 1, 1997, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1399 by deleting Section 1 in its entirety and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 67-4-1903, is amended by deleting the language "A credit shall be allowed" in the first sentence and by substituting instead the language "Businesses engaged in the retail rental of private passenger motor vehicles for periods of thirty-one (31) days or less and whose predominant business activity is the sale and service of new and used motor vehicles shall be allowed a credit".

On motion, Amendment No. 1 was adopted.

Rep. Kisber moved that **House Bill No. 1399**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel,

McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 1810 -- Custody and Support - Allows governor to require, prior to requesting extradition of person owing duty of support from another state, district attorney general certify that obligee commenced action for support at least 30, rather than 60, days prior to request. Amends TCA Title 4; Title 7; Title 8; Title 16; Title 17; Title 18; Title 19; Title 20; Title 21; Title 22; Title 23; Title 24; Title 25; Title 26; Title 27; Title 28; Title 29; Title 34; Title 36; Title 37; Title 38; Title 39; Title 45; Title 47; Title 48; Title 49; Title 50; Title 55; Title 56; Title 57; Title 62; Title 63; Title 65; Title 66; Title 67; Title 68; Title 70 and Title 71. by *Stamps, *Walley, *McDaniel, *Stamps, *Davis R. (*SB1707 by *Person, *McNally, *Atchley, *Elsea, *Jordan, *Miller J, *Ramsey, *Williams, *Carter, *Crowe, *Koella, *Fowler)

Rep. Stamps moved that House Bill No. 1810 be passed on third and final consideration.

Rep. Turner (Hamilton) moved adoption of Children & Family Affairs Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1810 by deleting Sections 1 and 2 in their entireties and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 36, Chapter 5 is amended by adding the following as a new part 11:

36-5-1101. Definitions.-- The following terms have the following meanings, unless the context requires otherwise:

- (1) "Business day" means a day on which State offices are open for regular business.
- (2) "Commissioner" means the commissioner of human services or the commissioner's duly authorized representative.
- (3) "Department" means the department of human services or its contractor or other designee.
- (4) "Directory of new hires" means an automated directory of information, supplied by employers on each newly hired or re-hired employee, which is maintained by the department of human services.

(5) "Employee" means an individual who is an employee within the meaning of Chapter 24 of the Internal Revenue Code of 1986, but does not include an employee of a Federal or State agency performing intelligence or counterintelligence functions, if the head of that agency has determined that reporting pursuant to the requirements of this part with respect to the employee could endanger the safety of the employee or compromise an ongoing investigation or intelligence mission.

(6) "Employer" has the meaning given such term in Section 3401(d) of the Internal Revenue Code of 1986 and includes any governmental entity and any labor organization.

(7) "Labor organization" has the meaning given such term in Section 2(5) of the National Labor Relations Act, and includes any entity (also known as a "hiring hall") which is used by the organization and an employer to carry out requirements of Section 8(f)(3) of such Act of an agreement between the organization and the employer.

(6) "Title IV-D Agency" means the agency designated pursuant to Title IV, Part D of the Social Security Act to provide services to children and families to establish and enforce child support obligations. In Tennessee, the department of human services is the Title IV-D agency.

36-5-1102. Reports of new employees-- Effective October 1, 1997, each employer shall furnish to the department a report that contains the name, address, and social security number of each newly hired employee, and the name, address, and identifying number assigned under Section 6109 of the Internal Revenue Code of 1986 of the employer.

36-5-1103. Reports for employers with employees in two or more states.-- An employer that has employees who are employed in two (2) or more states and which transmits reports magnetically or electronically may comply with § 36-5-1102 by designating one (1) state in which such employer has employees to which the employer will transmit the report described in 36-5-1102 and by transmitting such report to such state. Any employer which transmits reports pursuant to this Section shall notify the Secretary of the United States Department of Health and Human Services in writing as to which state such employer designates for the purpose of sending reports under this section.

36-5-1104. Time frames for reports by employers.-- The report provided by § 36-5-1102 shall be made not later than twenty (20) business days after the date the employer hires the employee, or, in

the case of an employer transmitting reports magnetically or electronically, by two (2) monthly transmissions (if necessary) not less than twelve (12) nor more than sixteen (16) days apart.

36-5-1105. Reports on W-4 Forms.-- Each report required by 36-5-1102 shall be made on a W-4 form, or at the option of the employer, an equivalent form, containing the same data as required on the W-4 form. The report may be transmitted to the department by first class mail, magnetically or electronically in a format approved by the department.

36-5-1106. Use of information by department.-- (a) The department shall use the information received pursuant to 36-5-1102 to locate individuals for purposes of establishing paternity and establishing, modifying and enforcing child support obligations and may disclose such information to any agent of the department that is under contract with the department to carry out such purposes.

(b) The commissioner of human services shall make available information collected pursuant to this part to state or local agencies or their contractors, or agents in this state or their counterparts in any other state or territory who determine financial or medical assistance as permitted under Section 1137(b) of the Social Security Act, as it may be amended; to any state program operated under a plan approved under Titles I, X, and XIV of the Social Security Act; any agencies administering the worker's compensation program of a state or territory; and to the Title IV-D agency in this state, its local offices and its contractors, whether public or private, and the Title IV-D agency's counterparts in other states or territories, their local offices and their contractors, whether public or private, for use in locating absent parents, and for use in establishing, enforcing and modifying child support orders, and to the Federal government as required by statute or regulation. The department may charge a fee to cover the costs of the provision of such information to any other state or local government entities which may be conducting eligibility determinations or who are conducting programs under this subsection.

(c) No further disclosures shall be made except as authorized pursuant to this section or Section 10 of this act. Disclosure in violation of this section shall be a Class C misdemeanor.

36-5-1107. Failure to make necessary reports; penalties.-- (a) If, after prior notification by the department of human services of failure to make the necessary reports required by this part, any employer fails or refuses to comply with the requirements of this part, the employer shall be subject to a civil penalty of \$20.00 for each employee who is not reported.

(b) Any employer and employee who conspire not to provide the report required by this part or who conspire to provide a false or incomplete report shall each be subject to a civil penalty of \$400.00.

(c) Such penalties shall be assessed by the commissioner of human services after written notice which provides fifteen (15) days to file a written request for appeal.

(d) If an appeal is timely filed, the employer or service provider shall be entitled to an administrative hearing before the department on the issue of the assessment pursuant to the provisions of title 4, chapter 3 relative to contested case hearings.

(e) Failure to timely appeal the assessment of the civil penalty shall be final and conclusive of the correctness of the assessment.

(f) Any amount found owing shall be due and payable not later than fifteen (15) days after the mailing date of the determination.

(g)(1) Failure to pay an assessment shall result in a lien against the real or personal property of the employer or the employee in favor of the department of human services and shall be enforced by original attachment issued by the court in the county where the employer is located or where the employee resides by any court having jurisdiction of the monetary amounts assessed.

(2) The employer or employee shall be liable for all court costs and litigation taxes of the proceedings and shall be liable to the department for the cost of any private, contract or government attorney representing the state and for the time of any of its Title IV-D or contractor staff utilized in litigating the assessment.

(h) Any appeal of the action of the Commissioner pursuant to this section shall be made in conformity with § 4-5-322.

36-5-1108. Rulemaking authority.-- The department of human services shall have authority to promulgate rules pursuant to the Uniform Administrative Procedures Act compiled in Title 4, Chapter 5 which it determines are necessary for the implementation of this part, and it is specifically authorized to utilize public necessity rules to implement this act upon the effective date of this part subject to prior approval of the public necessity rules by the attorney general and reporter.

SECTION 2. Tennessee Code Annotated, Title 36, Chapter 5 is amended by adding the following new Parts 20-29:

Part 20-Short Title Section 36-5-2001. Parts 20-29 of the chapter shall be known and may be cited as "The Uniform Interstate Family Support Act".

Part 21--General Provisions

Section 36-5-2101. Definitions

Section 36-5-2102. Tribunal of State

Section 36-5-2103. Remedies Cumulative

Part 22--Jurisdiction

Subpart A. Extended Personal Jurisdiction

Section 36-5-2201. Bases for Jurisdiction Over Nonresident

Section 36-5-2202. Procedure When Exercising Jurisdiction Over Nonresident

Subpart B. Proceedings Involving Two or More States

Section 36-5-2203. Initiating and Responding Tribunal of State

Section 36-5-2204. Simultaneous Proceedings in Another State

Section 36-5-2205. Continuing, Exclusive Jurisdiction

Section 36-5-2206. Enforcement and Modification of Support Order by Tribunal Having Continuing Jurisdiction

Subpart C. Reconciliation of Multiple Orders

Section 36-5-2207. Recognition of Controlling Child-Support Order

Section 36-5-2208. Multiple Child-Support Orders for Two or More Obligees

Section 36-5-2209. Credit for Payments

Part 23--Civil Provisions Of General Application

Section 36-5-2301. Proceedings Under Parts 20-29

	Section 36-5-2302.	Action By Minor Parent
	Section 36-5-2303.	Application of Law of State
	Section 36-5-2304.	Duties of Initiating Tribunal
Tribunal	Section 36-5-2305.	Duties and Powers of Responding
		Tribunal
	Section 36-5-2306.	Inappropriate Tribunal
Agency	Section 36-5-2307.	Duties of Support Enforcement
		Agency
	Section 36-5-2308.	Duty of Attorney General
	Section 36-5-2309.	Private Counsel
Services	Section 36-5-2310.	Duties of Department of Human
		Services
Documents	Section 36-5-2311.	Pleadings and Accompanying
		Documents
Exceptional Circumstances	Section 36-5-2312.	Nondisclosure of Information in
		Exceptional Circumstances
	Section 36-5-2313.	Costs and Fees
	Section 36-5-2314.	Limited Immunity of Petitioner
	Section 36-5-2315.	Nonparentage as Defense
Procedure	Section 36-5-2316.	Special Rules of Evidence and
		Procedure
Tribunals	Section 36-5-2317.	Communications Between
		Tribunals
	Section 36-5-2318.	Assistance with Discovery
Payments	Section 36-5-2319.	Receipt and Disbursement of
		Payments
	Part 24--Establishment Of Support Order	
	Section 36-5-2401.	Petition To Establish Support Order

Part 25-- Enforcement Of Order Of Another State
Without Registration

Section 36-5-2501. Employer's Receipt of Income-
Withholding Order of Another State

Section 36-5-2502. Employer's Compliance with
Income-Withholding Order of Another State

Section 36-5-2503. Employer's Compliance with
Multiple Income-Withholding Orders

Section 36-5-2504. Immunity from Civil Liability

Section 36-5-2505. Penalties for Noncompliance

Section 36-5-2506. Contest by Obligor

Section 36-5-2507. Administrative Enforcement of
Orders

Part 26--Enforcement And Modification Of Support
Order After Registration

Subpart A. Registration and Enforcement of Support
Order

Section 36-5-2601. Registration of Order for
Enforcement

Section 36-5-2602. Procedure To Register Order for
Enforcement

Section 36-5-2603. Effect of Registration for
Enforcement

Section 36-5-2604. Choice of Law

Subpart B. Contest of Validity or Enforcement

Section 36-5-2605. Notice of Registration of Order

Section 36-5-2606. Procedure To Contest Validity or
Enforcement of Registered Order

Section 36-5-2607. Contest of Registration or
Enforcement

Section 36-5-2608. Confirmed Order

Subpart C. Registration and Modification of Child-Support Order

Section 36-5-2609. Procedure To Register Child-Support Order of Another State for Modification

Section 36-5-2610. Effect of Registration for Modification

Section 36-5-2611. Modification of Child-Support Order of Another State

Section 36-5-2612. Recognition of Order Modified in Another State

Section 36-5-2613. Jurisdiction To Enforce or Modify Child-Support Order of Another State When Individual Parties Reside in this State

Section 36-5-2614. Notice to Issuing Tribunal of Modification

Part 27--Determination Of Parentage

Section 36-5-2701. Proceeding to Determine Parentage

Part 28--Interstate Rendition

Section 36-5-2801. Grounds for Rendition

Section 36-5-2802. Conditions of Rendition

Part 29--Miscellaneous Provisions

Section 36-5-2901. Uniformity of Application and Construction

Section 36-5-2902. Severability Clause

PART 21

GENERAL PROVISIONS

SECTION 36-5-2101. DEFINITIONS.

In Parts 20-29:

(1) "Child" means an individual, whether over or under the age of majority, who is or is alleged to be owed a duty of support by the individual's parent or who is or is alleged to be the beneficiary of a support order directed to the parent.

(2) "Child-support order" means a support order for a child, including a child who has attained the age of majority under the law of the issuing state.

(3) "Duty of support" means an obligation imposed or imposed by law to provide support for a child, spouse, or former spouse, including an unsatisfied obligation to provide support.

(4) "Home state" means the state in which a child lived with a parent or a person acting as parent for at least six consecutive months immediately preceding the time of filing of a petition or comparable pleading for support and, if a child is less than six months old, the state in which the child lived from birth with any of them. A period of temporary absence of any of them is counted as part of the six-month or other period.

(5) "Income" includes earnings or other periodic entitlements to money from any source and any other property subject to withholding for support under the law of this State.

(6) "Income-withholding order" means an order or other legal process directed to an obligor's employer or other payor of income or debtor, as defined by §36-5-501 et seq., to withhold support from the income of the obligor.

(7) "Initiating state" means a state from which a proceeding is forwarded or in which a proceeding is filed for forwarding to a responding state under parts 20-29 or a law or procedure substantially similar to parts 20-29, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act.

(8) "Initiating tribunal" means the authorized tribunal in an initiating state.

(9) "Issuing state" means the state in which a tribunal issues a support order or renders a judgment determining parentage.

(10) "Issuing tribunal" means the tribunal that issues a support order or renders a judgment determining parentage.

(11) "Law" includes decisional and statutory law and rules and regulations having the force of law.

(12) "Obligee" means:

(i) an individual to whom a duty of support is or is alleged to be owed or in whose favor a support order has been issued or a judgment determining parentage has been rendered;

(ii) a state or political subdivision to which the rights under a duty of support or support order have been assigned or which has independent claims based on financial assistance provided to an individual obligee; or

(iii) an individual seeking a judgment determining parentage of the individual's child.

(13) "Obligor" means an individual, or the estate of a decedent:

(i) who owes or is alleged to owe a duty of support;

(ii) who is alleged but has not been adjudicated to be a parent of a child; or

(iii) who is liable under a support order.

(14) "Register" means to file a support order or judgment determining parentage in the trial court in the county where the respondent resides or, in Title IV-D child support cases, in the central registry of the department of human services.

(15) "Registering tribunal" means a tribunal in which a support order is registered.

(16) "Responding state" means a state in which a proceeding is filed or to which a proceeding is forwarded for filing from an initiating state under parts 20-29 or a law or procedure substantially similar to parts 20-29, the Uniform

Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act.

(17) "Responding tribunal" means the authorized tribunal in a responding state.

(18) "Spousal-support order" means a support order for a spouse or former spouse of the obligor.

(19) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes:

(i) an Indian tribe; and

(ii) a foreign jurisdiction that has enacted a law or established procedures for issuance and enforcement of support orders which are substantially similar to the procedures under parts 20-29, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act.

(20) "Support enforcement agency" means a public official or agency authorized to seek:

(i) enforcement of support orders or laws relating to the duty of support;

(ii) establishment or modification of child support;

(iii) determination of parentage; or

(iv) to locate obligors or their assets.

(21) "Support order" means a judgment, decree, or order, whether temporary, final, or subject to modification, for the benefit of a child, a spouse, or a former spouse, which provides for monetary support, health care, arrearages, or reimbursement, and may include related costs and fees, interest, income withholding, attorney's fees, and other relief.

(22) "Tribunal" means a court, administrative agency, or quasi-judicial entity authorized to establish, enforce, or modify support orders or to determine parentage.

SECTION 36-5-2102. TRIBUNALS OF STATE.

The chancery, circuit, and juvenile courts and any courts exercising domestic relations jurisdiction under any enactment of the general assembly are the tribunals of this State.

SECTION 36-5-2103. REMEDIES CUMULATIVE.

Remedies provided by parts 20-29 are cumulative and do not affect the availability of remedies under other law.

PART 22

JURISDICTION

SUBPART A . EXTENDED PERSONAL JURISDICTION

SECTION 36-5-2201. BASES FOR JURISDICTION OVER NONRESIDENT.

In a proceeding to establish, enforce, or modify a support order or to determine parentage, a tribunal of this State may exercise personal jurisdiction over a nonresident individual or the individual's guardian or conservator if:

(1) the individual is personally served with notice within this State;

(2) the individual submits to the jurisdiction of this State by consent, by entering a general appearance, or by filing a responsive document having the effect of waiving any contest to personal jurisdiction;

(3) the individual resided with the child in this State;

(4) the individual resided in this State and provided prenatal expenses or support for the child;

(5) the child resides in this State as a result of the acts or directives of the individual;

(6) the individual engaged in sexual intercourse in this State and the child may have been conceived by that act of intercourse;

(7) the individual asserted parentage in the putative father registry maintained in this State by the Tennessee department of children's services; or

(8) there is any other basis consistent with the constitutions of this State and the United States for the exercise of personal jurisdiction.

SECTION 36-5-2202. PROCEDURE WHEN EXERCISING JURISDICTION OVER NONRESIDENT.

A tribunal of this State exercising personal jurisdiction over a nonresident under Section 36-5-2201 may apply Section 36-5-2316 (Special Rules of Evidence and Procedure) to receive evidence from another state, and Section 36-5-2318 (Assistance with Discovery) to obtain discovery through a tribunal of another state. In all other respects, Parts 23 through 27 do not apply and the tribunal shall apply the procedural and substantive law of this State, including the rules on choice of law other than those established by parts 20-29.

SUBPART B . PROCEEDINGS INVOLVING TWO OR MORE STATES

SECTION 36-5-2203. INITIATING AND RESPONDING TRIBUNAL OF STATE.

Under parts 20-29, a tribunal of this State may serve as an initiating tribunal to forward proceedings to another state and as a responding tribunal for proceedings initiated in another state.

SECTION 36-5-2204. SIMULTANEOUS PROCEEDINGS IN ANOTHER STATE.

(a) A tribunal of this State may exercise jurisdiction to establish a support order if the petition or comparable pleading is filed after a pleading is filed in another state only if:

- (1) the petition or comparable pleading in this State is filed before the expiration of the time allowed in the other state for filing a responsive pleading challenging the exercise of jurisdiction by the other state;
- (2) the contesting party timely challenges the exercise of jurisdiction in the other state; and
- (3) if relevant, this State is the home state of the child.

(b) A tribunal of this State may not exercise jurisdiction to establish a support order if the petition or comparable pleading is filed before a petition or comparable pleading is filed in another state if:

(1) the petition or comparable pleading in the other state is filed before the expiration of the time allowed in this State for filing a responsive pleading challenging the exercise of jurisdiction by this State;

(2) the contesting party timely challenges the exercise of jurisdiction in this State; and

(3) if relevant, the other state is the home state of the child.

SECTION 36-5-2205. CONTINUING, EXCLUSIVE JURISDICTION.

(a) A tribunal of this State issuing a support order consistent with the law of this State has continuing, exclusive jurisdiction over a child-support order:

(1) as long as this State remains the residence of the obligor, the individual obligee, or the child for whose benefit the support order is issued; or

(2) until all of the parties who are individuals have filed written consents with the tribunal of this State for a tribunal of another state to modify the order and assume continuing, exclusive jurisdiction.

(b) A tribunal of this State issuing a child-support order consistent with the law of this State may not exercise its continuing jurisdiction to modify the order if the order has been modified by a tribunal of another state pursuant to parts 20-29 or a law substantially similar to parts 20-29.

(c) If a child-support order of this State is modified by a tribunal of another state pursuant to parts 20-29 or a law substantially similar to parts 20-29 a tribunal of this State loses its continuing, exclusive jurisdiction with regard to prospective enforcement of the order issued in this State, and may only:

(1) enforce the order that was modified as to amounts accruing before the modification;

(2) enforce nonmodifiable aspects of that order;
and

(3) provide other appropriate relief for violations
of that order which occurred before the effective date
of the modification.

(d) A tribunal of this State shall recognize the
continuing, exclusive jurisdiction of a tribunal of another state
which has issued a child-support order pursuant to parts 20-29
or a law substantially similar to parts 20-29.

(e) A temporary support order issued ex parte or
pending resolution of a jurisdictional conflict does not create
continuing, exclusive jurisdiction in the issuing tribunal.

(f) A tribunal of this State issuing a support order
consistent with the law of this State has continuing, exclusive
jurisdiction over a spousal-support order throughout the
existence of the support obligation. A tribunal of this State
may not modify a spousal support order issued by a tribunal of
another state having continuing, exclusive jurisdiction over that
order under the law of that state.

SECTION 36-5-2206. ENFORCEMENT AND MODIFICATION
OF SUPPORT ORDER BY TRIBUNAL HAVING CONTINUING
JURISDICTION.

(a) A tribunal of this State may serve as an initiating
tribunal to request a tribunal of another state to enforce or
modify a support order issued in that state.

(b) A tribunal of this State having continuing, exclusive
jurisdiction over a support order may act as a responding
tribunal to enforce or modify the order. If a party subject to the
continuing, exclusive jurisdiction of the tribunal no longer
resides in the issuing state, in subsequent proceedings the
tribunal may apply Section 36-5-2316 (Special Rules of
Evidence and Procedure) to receive evidence from another
state and Section 36-5-2318 (Assistance with Discovery) to
obtain discovery through a tribunal of another state.

(c) A tribunal of this State which lacks continuing,
exclusive jurisdiction over a spousal-support order may not
serve as a responding tribunal to modify a spousal support-
order of another state.

SUBPART C . RECONCILIATION OF MULTIPLE ORDERS
SECTION 36-5-2207. RECOGNITION OF CONTROLLING CHILD-SUPPORT
ORDER.

(a) If a proceeding is brought under parts 20-29 and only one tribunal has issued a child-support order, the order of that tribunal controls and must be so recognized.

(b) If a proceeding is brought under parts 20-29 and two or more child-support orders have been issued by tribunals of this State or another state with regard to the same obligor and child, a tribunal of this State shall apply the following rules in determining which order to recognize for purposes of continuing, exclusive jurisdiction:

(1) If only one of the tribunals would have continuing, exclusive jurisdiction under parts 20-29, the order of that tribunal controls and must be so recognized.

(2) If more than one of the tribunals would have continuing, exclusive jurisdiction under parts 20-29, an order issued by a tribunal in the current home state of the child controls and must be so recognized, but if an order has not been issued in the current home state of the child, the order most recently issued controls and must be so recognized.

(3) If none of the tribunals would have continuing, exclusive jurisdiction under parts 20-29, the tribunal of this State having jurisdiction over the parties shall issue a child-support order, which controls and must be so recognized.

(c) If two or more child-support orders have been issued for the same obligor and child and if the obligor or the individual obligee resides in this State, a party may request a tribunal of this State to determine which order controls and must be so recognized under subsection (b). The request must be accompanied by a certified copy of every support order in effect. The requesting party shall give notice of the request to each party whose rights may be affected by the determination.

(d) The tribunal that issued the controlling order under subsection (a), (b), or (c) is the tribunal that has continuing, exclusive jurisdiction under Section 36-5-2205.

(e) A tribunal of this State which determines by order the identity of the controlling order under subsection (b)(1) or (2) or which issues a new controlling order under subsection (b)(3) shall state in that order the basis upon which the tribunal made its determination.

(f) Within thirty (30) days after issuance of an order determining the identity of the controlling order, the party obtaining the order shall file a certified copy of it with each tribunal that issued or registered an earlier order of child support. A party who obtains the order and fails to file a certified copy is subject to appropriate sanctions by a tribunal in which the issue of failure to file arises. The failure to file does not affect the validity or enforceability of the controlling order.

SECTION 36-5-2208. MULTIPLE CHILD-SUPPORT ORDERS
FOR TWO OR MORE OBLIGEES.

In responding to multiple registrations or petitions for enforcement of two or more child-support orders in effect at the same time with regard to the same obligor and different individual obligees, at least one of which was issued by a tribunal of another state, a tribunal of this State shall enforce those orders in the same manner as if the multiple orders had been issued by a tribunal of this State.

SECTION 36-5-2209. CREDIT FOR PAYMENTS.

Amounts collected and credited for a particular period pursuant to a support order issued by a tribunal of another state must be credited against the amounts accruing or accrued for the same period under a support order issued by the tribunal of this State.

PART 23

CIVIL PROVISIONS OF GENERAL APPLICATION

SECTION 36-5-2301. PROCEEDINGS UNDER PARTS 20-29.

(a) Except as otherwise provided in parts 20-29 this part applies to all proceedings under parts 20-29.

(b) Parts 20-29 provide for the following proceedings:

(1) establishment of an order for spousal support or child support pursuant to Part 24;

(2) enforcement of a support order and income-withholding order of another state without registration pursuant to Part 25;

(3) registration of an order for spousal support or child support of another state for enforcement pursuant to Part 26;

(4) modification of an order for child support or spousal support issued by a tribunal of this State pursuant to Part 22, Subpart B;

(5) registration of an order for child support of another state for modification pursuant to Part 26;

(6) determination of parentage pursuant to part 27; and

(7) assertion of jurisdiction over nonresidents pursuant to part 22, subpart A.

(c) An individual petitioner or a support enforcement agency may commence a proceeding authorized under parts 20-29 by filing a petition in an initiating tribunal for forwarding to a responding tribunal or by filing a petition or a comparable pleading directly in a tribunal of another state which has or can obtain personal jurisdiction over the respondent.

SECTION 36-5-2302. ACTION BY MINOR PARENT.

A minor parent, or a guardian or other legal representative of a minor parent, may maintain a proceeding on behalf of or for the benefit of the minor's child.

SECTION 36-5-2303. APPLICATION OF LAW OF THIS STATE.

Except as otherwise provided by parts 20-29, a responding tribunal of this State:

(1) shall apply the procedural and substantive law, including the rules on choice of law, generally applicable to similar proceedings originating in this State and may exercise all powers and provide all remedies available in those proceedings; and

(2) shall determine the duty of support and the amount payable in accordance with the law and support guidelines of this State.

SECTION 36-5-2304. DUTIES OF INITIATING TRIBUNAL.

(a) Upon the filing of a petition authorized by parts 20-29, an initiating tribunal of this State shall forward three copies of the petition and its accompanying documents:

(1) to the responding tribunal or appropriate support enforcement agency in the responding state; or

(2) if the identity of the responding tribunal is unknown, to the state information agency of the responding state with a request that they be forwarded to the appropriate tribunal and that receipt be acknowledged.

(b) If a responding State has not enacted this Act or a law or procedure substantially similar to this Act, a tribunal of this State may issue a certificate or other document and make findings required by the law of the responding State. If the responding State is a foreign jurisdiction, the tribunal may specify the amount of support sought and provide other documents necessary to satisfy the requirements of the responding State.

RESPONDING

SECTION 36-5-2305. DUTIES AND POWERS OF TRIBUNAL.

(a) When a responding tribunal of this State receives a petition or comparable pleading from an initiating tribunal or directly pursuant to Section 36-5-2301(c) (Proceedings Under Parts 20-29), it shall cause the petition or pleading to be filed and notify the petitioner where and when it was filed.

(b) A responding tribunal of this State, to the extent otherwise authorized by law, may do one or more of the following:

(1) issue or enforce a support order, modify a child-support order, or render a judgment to determine parentage;

(2) order an obligor to comply with a support order, specifying the amount and the manner of compliance;

(3) order income withholding;

(4) determine the amount of any arrearages, and specify a method of payment;

(5) enforce orders by civil or criminal contempt, or both;

(6) set aside property for satisfaction of the support order;

(7) place liens and order execution on the obligor's property;

(8) order an obligor to keep the tribunal informed of the obligor's current residential address, telephone number, employer, address of employment, and telephone number at the place of employment;

(9) issue an attachment pro corpus or capias for an obligor who has failed after proper notice to appear at a hearing ordered by the tribunal and enter the attachment pro corpus or capias in any local and state computer systems for criminal warrants;

(10) order the obligor to seek appropriate employment by specified methods;

(11) award reasonable attorney's fees and other fees and costs; and

(12) grant any other available remedy.

(c) A responding tribunal of this State shall include in a support order issued under parts 20-29, or in the documents accompanying the order, the calculations on which the support order is based.

(d) A responding tribunal of this State may not condition the payment of a support order issued under parts 20-29 upon compliance by a party with provisions for visitation.

(e) If a responding tribunal of this State issues an order under parts 20-29, the tribunal shall send a copy of the order to the petitioner and the respondent and to the initiating tribunal, if any.

SECTION 36-5-2306. INAPPROPRIATE TRIBUNAL.

If a petition or comparable pleading is received by an inappropriate tribunal of this State, it shall forward the pleading and accompanying documents to an appropriate tribunal in this State or another state and notify the petitioner where and when the pleading was sent.

SECTION 36-5-2307. DUTIES OF SUPPORT ENFORCEMENT AGENCY.

(a) A support enforcement agency of this State, upon request, shall provide services to a petitioner in a proceeding under parts 20-29.

(b) A support enforcement agency that is providing services to the petitioner as appropriate shall:

(1) take all steps necessary to enable an appropriate tribunal in this State or another state to obtain jurisdiction over the respondent;

(2) request an appropriate tribunal to set a date, time, and place for a hearing;

(3) make a reasonable effort to obtain all relevant information, including information as to income and property of the parties;

(4) within five (5) days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of a written notice from an initiating, responding, or registering tribunal, send a copy of the notice to the petitioner;

(5) within five (5) days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of a written communication from the respondent or the respondent's attorney, send a copy of the communication to the petitioner; and

(6) notify the petitioner if jurisdiction over the respondent cannot be obtained.

(c) Parts 20-29 do not create or negate a relationship of attorney and client or other fiduciary relationship between a support enforcement agency or the attorney for the agency and the individual being assisted by the agency.

SECTION 36-5-2308. DUTY OF ATTORNEY GENERAL OF THE STATE.

If the Attorney General of the State determines that the support enforcement agency is neglecting or refusing to provide services to an individual, the Attorney General may order the agency to perform its duties under parts 20-29 or may provide those services directly to the individual.

SECTION 36-5-2309. PRIVATE COUNSEL.

An individual may employ private counsel to represent the individual in proceedings authorized by parts 20-29.

SECTION 36-5-2310. DUTIES OF DEPARTMENT OF HUMAN SERVICES.

(a) The department of human services is the state information agency under parts 20-29.

(b) The state information agency shall:

(1) compile and maintain a current list, including addresses, of the tribunals in this State which have jurisdiction under parts 20-29 and any support enforcement agencies in this State and transmit a copy to the state information agency of every other state;

(2) maintain a register of tribunals and support enforcement agencies received from other states;

(3) forward to the appropriate tribunal in the place in this State in which the individual obligee or the obligor resides, or in which the obligor's property is believed to be located, all documents concerning a proceeding under parts 20-29 received from an initiating tribunal or the state information agency of the initiating state; and

(4) obtain information concerning the location of the obligor and the obligor's property within this State not exempt from execution, by such means as postal verification and federal or state locator services, examination of telephone directories, requests for the obligor's address from employers, and examination of governmental records, including, to the extent not prohibited by other law, those relating to real property, vital statistics, law enforcement, taxation, motor vehicles, driver's licenses, and social security.

SECTION 36-5-2311. PLEADINGS AND ACCOMPANYING DOCUMENTS.

(a) A petitioner seeking to establish or modify a support order or to determine parentage in a proceeding under parts 20-29 must verify the petition. Unless otherwise ordered under Section 36-5-2312 (Nondisclosure of Information in Exceptional Circumstances), the petition or accompanying documents must provide, so far as known, the name, residential address, and social security numbers of the obligor and the obligee, and the name, sex, residential address, social security number, and date of birth of each child for whom support is sought. The petition must be accompanied by a certified copy of any support order in effect. The petition may include any other information that may assist in locating or identifying the respondent.

(b) The petition must specify the relief sought. The petition and accompanying documents must conform substantially with the requirements imposed by the forms mandated by federal law for use in cases filed by a support enforcement agency.

SECTION 36-5-2312. NONDISCLOSURE OF INFORMATION IN EXCEPTIONAL CIRCUMSTANCES.

Upon a finding, which may be made ex parte, that the health, safety, or liberty of a party or child would be unreasonably put at risk by the disclosure of identifying information, or if an existing order so provides, a tribunal shall order that the address of the child or party or other identifying information not be disclosed in a pleading or other document filed in a proceeding under parts 20-29.

SECTION 36-5-2313. COSTS AND FEES.

(a) The petitioner may not be required to pay a filing fee or other costs.

(b) If an obligee prevails, a responding tribunal may assess against an obligor filing fees, reasonable attorney's fees, other costs, and necessary travel and other reasonable expenses incurred by the obligee and the obligee's witnesses. The tribunal may not assess fees, costs, or expenses against the obligee or the support enforcement agency of either the initiating or the responding state, except as provided by other law. Attorney's fees may be taxed as costs, and may be ordered paid directly to the attorney, who may enforce the order in the attorney's own name. Payment of support owed to the obligee has priority over fees, costs and expenses.

(c) The tribunal shall order the payment of costs and reasonable attorney's fees if it determines that a hearing was requested primarily for delay. In a proceeding under Part 26 (Enforcement and Modification of Support Order After Registration), a hearing is presumed to have been requested primarily for delay if a registered support order is confirmed or enforced without change.

SECTION 36-5-2314. LIMITED IMMUNITY OF PETITIONER.

(a) Participation by a petitioner in a proceeding before a responding tribunal, whether in person, by private attorney, or through services provided by the support enforcement agency, does not confer personal jurisdiction over the petitioner in another proceeding.

(b) A petitioner is not amenable to service of civil process while physically present in this State to participate in a proceeding under parts 20-29.

(c) The immunity granted by this section does not extend to civil litigation based on acts unrelated to a proceeding under parts 20-29 committed by a party while present in this State to participate in the proceeding.

SECTION 36-5-2315. NONPARENTAGE AS DEFENSE.

A party whose parentage of a child has been previously determined by or pursuant to law may not plead nonparentage as a defense to a proceeding under parts 20-29.

SECTION 36-5-2316. SPECIAL RULES OF EVIDENCE AND PROCEDURE.

(a) The physical presence of the petitioner in a responding tribunal of this State is not required for the establishment, enforcement, or modification of a support order or the rendition of a judgment determining parentage.

(b) A verified petition, affidavit, document substantially complying with federally mandated forms, and a document incorporated by reference in any of them, not excluded under the hearsay rule if given in person, is admissible in evidence if given under oath by a party or witness residing in another state.

(c) A copy of the record of child-support payments certified as a true copy of the original by the custodian of the record may be forwarded to a responding tribunal. The copy is evidence of facts asserted in it, and is admissible to show whether payments were made.

(d) Copies of bills for testing for parentage, and for prenatal and postnatal health care of the mother and child, furnished to the adverse party at least ten (10) days before trial, are admissible in evidence to prove the amount of the charges billed and that the charges were reasonable, necessary, and customary.

(e) Documentary evidence transmitted from another state to a tribunal of this State by telephone, telecopier, or other means that do not provide an original writing may not be excluded from evidence on an objection based on the means of transmission.

(f) In a proceeding under parts 20-29, a tribunal of this State may permit a party or witness residing in another state to be deposed or to testify by telephone, audiovisual means, or other electronic means at a designated tribunal or other location in that state. A tribunal of this State shall cooperate with tribunals of other states in designating an appropriate location for the deposition or testimony.

(g) If a party called to testify at a civil hearing refuses to answer on the ground that the testimony may be self-incriminating, the trier of fact may draw an adverse inference from the refusal.

(h) A privilege against disclosure of communications between spouses does not apply in a proceeding under parts 20-29.

(i) The defense of immunity based on the relationship of husband and wife or parent and child does not apply in a proceeding under parts 20-29.

SECTION 36-5-2317. COMMUNICATIONS BETWEEN TRIBUNALS.

A tribunal of this State may communicate with a tribunal of another state in writing, or by telephone or other means, to obtain information concerning the laws of that state, the legal effect of a judgment, decree, or order of that tribunal, and the status of a proceeding in the other state. A tribunal of this State may furnish similar information by similar means to a tribunal of another state.

SECTION 36-5-2318. ASSISTANCE WITH DISCOVERY.

A tribunal of this State may:

(1) request a tribunal of another state to assist in obtaining discovery; and

(2) upon request, compel a person over whom it has jurisdiction to respond to a discovery order issued by a tribunal of another state.

SECTION 36-5-2319. RECEIPT AND DISBURSEMENT OF PAYMENTS.

A support enforcement agency or tribunal of this State shall disburse promptly any amounts received pursuant to a support order, as directed by the order. The agency or tribunal

shall furnish to a requesting party or tribunal of another state a certified statement by the custodian of the record of the amounts and dates of all payments received.

PART 24

ESTABLISHMENT OF SUPPORT ORDER

SECTION 36-5-2401. PETITION TO ESTABLISH SUPPORT ORDER.

(a) If a support order entitled to recognition under parts 20-29 has not been issued, a responding tribunal of this State may issue a support order if:

(1) the individual seeking the order resides in another state; or

(2) the support enforcement agency seeking the order is located in another state.

(b) The tribunal may issue a temporary child-support order if:

(1) the respondent has signed a verified statement acknowledging parentage;

(2) the respondent has been determined by or pursuant to law to be the parent; or

(3) there is other clear and convincing evidence that the respondent is the child's parent.

(c) Upon finding, after notice and opportunity to be heard, that an obligor owes a duty of support, the tribunal shall issue a support order directed to the obligor and may issue other orders pursuant to Section 36-5-2305 (Duties and Powers of Responding Tribunal).

PART 25

ENFORCEMENT OF ORDER OF ANOTHER STATE WITHOUT REGISTRATION

SECTION 36-5-2501. EMPLOYER'S RECEIPT OF INCOME-WITHOLDING ORDER OF ANOTHER STATE.

An income-withholding order issued in another state may be sent to the person or entity defined as the obligor's employer under § 36-5-501 et seq. without first filing a

petition or comparable pleading or registering the order with a tribunal of this State.

SECTION 36-5-2502. EMPLOYER'S COMPLIANCE WITH
INCOME WITHHOLDING ORDER OF ANOTHER STATE.

(a) Upon receipt of an income-withholding order, the obligor's employer shall immediately provide a copy of the order to the obligor.

(b) The employer shall treat an income-withholding order issued in another state which appears regular on its face as if it had been issued by a tribunal of this State.

(c) Except as otherwise provided in subsection (d) and Section 36-5-2503, the employer shall withhold and distribute the funds as directed in the withholding order by complying with terms of the order which specify:

(1) the duration and amount of periodic payments of current child-support, stated as a sum certain;

(2) the person or agency designated to receive payments and the address to which the payments are to be forwarded;

(3) medical support, whether in the form of periodic cash payment, stated as a sum certain, or ordering the obligor to provide health insurance coverage for the child under a policy available through the obligor's employment;

(4) the amount of periodic payments of fees and costs for a support enforcement agency, the issuing tribunal, and the obligee's attorney, stated as sums certain; and

(5) the amount of periodic payments of arrearages and interest on arrearages, stated as sums certain.

(d) An employer shall comply with the law of the state of the obligor's principal place of employment for withholding from income with respect to:

(1) the employer's fee for processing an income-withholding order;

(2) the maximum amount permitted to be withheld from the obligor's income; and

(3) the times within which the employer must implement the withholding order and forward the child support payment.

SECTION 36-5-2503. COMPLIANCE WITH MULTIPLE INCOME-WITHOLDING ORDERS

If an obligor's employer receives multiple income-withholding orders with respect to the earnings of the same obligor, the employer satisfies the terms of the multiple orders if the employer complies with the law of the state of the obligor's principal place of employment to establish the priorities for withholding and allocating income withheld for multiple child support obligees.

SECTION 36-5-2504. IMMUNITY FROM CIVIL LIABILITY.

An employer who complies with an income-withholding order issued in another state in accordance with this part is not subject to civil liability to an individual or agency with regard to the employer's withholding of child support from the obligor's income.

SECTION 36-5-2505. PENALTIES FOR NONCOMPLIANCE.

An employer who willfully fails to comply with an income-withholding order issued by another state and received for enforcement is subject to the same penalties that may be imposed for noncompliance with an order issued by a tribunal of this State.

SECTION 36-5-2506. CONTEST BY OBLIGOR.

(a) An obligor may contest the validity or enforcement of an income-withholding order issued in another state and received directly by an employer in this State in the same manner as if the order had been issued by a tribunal of this State. Section 36-5-2604 (Choice of Law) applies to the contest.

(b) The obligor shall give notice of the contest to:

(1) a support enforcement agency providing services to the obligee;

(2) each employer that has directly received an income-withholding order; and

(3) the person or agency designated to receive payments in the income-withholding order or if no person or agency is designated, to the obligee.

SECTION 36-5-2507. ADMINISTRATIVE ENFORCEMENT OF ORDERS.

(a) A party seeking to enforce a support order or an income-withholding order, or both, issued by a tribunal of another state may send the documents required for registering the order to a support enforcement agency of this State.

(b) Upon receipt of the documents, the support enforcement agency, without initially seeking to register the order, shall consider and, if appropriate, use any administrative procedure authorized by the law of this State to enforce a support order or an income-withholding order, or both. If the obligor does not contest administrative enforcement, the order need not be registered. If the obligor contests the validity or administrative enforcement of the order, the support enforcement agency shall register the order pursuant to parts 20-29.

PART 26

ENFORCEMENT AND MODIFICATION OF SUPPORT ORDER AFTER REGISTRATION

SUBPART A . REGISTRATION AND ENFORCEMENT OF SUPPORT

SECTION 36-5-2601. REGISTRATION OF ORDER FOR ENFORCEMENT.

A support order or an income-withholding order issued by a tribunal of another state may be registered in this State for enforcement.

FOR SECTION 36-5-2602. PROCEDURE TO REGISTER ORDER ENFORCEMENT.

(a) A support order or income-withholding order of another state may be registered in this State by sending the following documents and information to the trial court in the county where the respondent resides or, in Title IV-D cases to the central registry of the department of human services, in this State:

(1) a letter of transmittal to the tribunal requesting registration and enforcement;

(2) two copies, including one certified copy, of all orders to be registered, including any modification of an order;

(3) a sworn statement by the party seeking registration or a certified statement by the custodian of the records showing the amount of any arrearage;

(4) the name of the obligor and, if known:

(i) the obligor's address and social security number;

(ii) the name and address of the obligor's employer and any other source of income of the obligor; and

(iii) a description and the location of property of the obligor in this State not exempt from execution; and

(5) the name and address of the obligee and, if applicable, the agency or person to whom support payments are to be remitted.

(b) On receipt of a request for registration, the registering tribunal shall cause the order to be filed as a foreign judgment, together with one copy of the documents and information, regardless of their form.

(c) A petition or comparable pleading seeking a remedy that must be affirmatively sought under other law of this State may be filed at the same time as the request for registration or later. The pleading must specify the grounds for the remedy sought.

SECTION 36-5-2603. EFFECT OF REGISTRATION FOR ENFORCEMENT.

(a) A support order or income-withholding order issued in another state is registered when the order is filed in the registering tribunal of this State.

(b) A registered order issued in another state is enforceable in the same manner and is subject to the same procedures as an order issued by a tribunal of this State.

(c) Except as otherwise provided in this part, a tribunal of this State shall recognize and enforce, but may not modify, a registered order if the issuing tribunal had jurisdiction.

SECTION 36-5-2604. CHOICE OF LAW.

(a) The law of the issuing state governs the nature, extent, amount, and duration of current payments and other obligations of support and the payment of arrearages under the order.

(b) In a proceeding for arrearages, the statute of limitation under the laws of this State or of the issuing state, whichever is longer, applies.

SUBPART B . CONTEST OF VALIDITY OR ENFORCEMENT

SECTION 36-5-2605. NOTICE OF REGISTRATION OF ORDER.

(a) When a support order or income-withholding order issued in another state is registered, the registering tribunal shall notify the nonregistering party. The notice must be accompanied by a copy of the registered order and the documents and relevant information accompanying the order.

(b) The notice must inform the nonregistering party:

(1) that a registered order is enforceable as of the date of registration in the same manner as an order issued by a tribunal of this State;

(2) that a hearing to contest the validity or enforcement of the registered order must be requested within twenty (20) days after the date of mailing or personal service of the notice;

(3) that failure to contest the validity or enforcement of the registered order in a timely manner will result in confirmation of the order and enforcement of the order and the alleged arrearages and precludes further contest of that order with respect to any matter that could have been asserted; and

(4) of the amount of any alleged arrearages.

(c) Upon registration of an income-withholding order for enforcement, the registering tribunal shall notify the obligor's employer pursuant to §§ 36-5-501 et seq.

SECTION 36-5-2606. PROCEDURE TO CONTEST VALIDITY
OR ENFORCEMENT OF REGISTERED ORDER.

(a) A nonregistering party seeking to contest the validity or enforcement of a registered order in this State shall request a hearing within twenty (20) days after the date of mailing or personal service of notice of the registration. The nonregistering party may seek to vacate the registration, to assert any defense to an allegation of noncompliance with the registered order, or to contest the remedies being sought or the amount of any alleged arrearages pursuant to Section 36-5-2607 (Contest of Registration or Enforcement).

(b) If the nonregistering party fails to contest the validity or enforcement of the registered order in a timely manner, the order is confirmed by operation of law.

(c) If a nonregistering party requests a hearing to contest the validity or enforcement of the registered order, the registering tribunal shall schedule the matter for hearing and give notice to the parties of the date, time, and place of the hearing.

SECTION 36-5-2607. CONTEST OF REGISTRATION OR
ENFORCEMENT.

(a) A party contesting the validity or enforcement of a registered order or seeking to vacate the registration has the burden of proving one or more of the following defenses:

- (1) the issuing tribunal lacked personal jurisdiction over the contesting party;
- (2) the order was obtained by fraud;
- (3) the order has been vacated, suspended, or modified by a later order;
- (4) the issuing tribunal has stayed the order pending appeal;
- (5) there is a defense under the law of this State to the remedy sought;
- (6) full or partial payment has been made; or
- (7) the statute of limitation under Section 36-5-2604 (Choice of Law) precludes enforcement of some or all of the arrearages.

(b) If a party presents evidence establishing a full or partial defense under subsection (a), a tribunal may stay enforcement of the registered order, continue the proceeding to permit production of additional relevant evidence, and issue other appropriate orders. An uncontested portion of the registered order may be enforced by all remedies available under the law of this State.

(c) If the contesting party does not establish a defense under subsection (a) to the validity or enforcement of the order, the registering tribunal shall issue an order confirming the order.

SECTION 36-5-2608. CONFIRMED ORDER.

Confirmation of a registered order, whether by operation of law or after notice and hearing, precludes further contest of the order with respect to any matter that could have been asserted at the time of registration.

SUBPART C . REGISTRATION AND MODIFICATION OF CHILD SUPPORT ORDER

SECTION 36-5-2609. PROCEDURE TO REGISTER CHILD-SUPPORT ORDER OF ANOTHER STATE FOR MODIFICATION.

A party or support enforcement agency seeking to modify, or to modify and enforce, a child-support order issued in another state shall register that order in this State in the same manner provided in Subpart A if the order has not been registered. A petition for modification may be filed at the same time as a request for registration, or later. The pleading must specify the grounds for modification.

SECTION 36-5-2610. EFFECT OF REGISTRATION FOR MODIFICATION.

A tribunal of this State may enforce a child-support order of another state registered for purposes of modification, in the same manner as if the order had been issued by a tribunal of this State, but the registered order may be modified only if the requirements of Section 36-5-2611 (Modification of Child-Support Order of Another State) have been met.

SECTION 36-5-2611. MODIFICATION OF CHILD-SUPPORT ORDER OF ANOTHER STATE.

(a) After a child-support order issued in another state has been registered in this State, the responding tribunal of this State may modify that order only if Section 36-5-2613 does not apply and after notice and hearing it finds that:

(1) the following requirements are met:

(i) the child, the individual obligee, and the obligor do not reside in the issuing state;

(ii) a petitioner who is a nonresident of this state seeks modification; and

(iii) the respondent is subject to the personal jurisdiction of the tribunal of this state;
or

(2) the child, or a party who is an individual, is subject to the personal jurisdiction of the tribunal of this State and all of the parties who are individuals have filed written consents in the issuing tribunal for a tribunal of this State to modify the support order and assume continuing, exclusive jurisdiction over the order. However, if the issuing state is a foreign jurisdiction that has not enacted a law or established procedures substantially similar to the procedures under parts 20-29, the consent otherwise required of an individual residing in this State is not required for the tribunal to assume jurisdiction to modify the child-support order.

(b) Modification of a registered child-support order is subject to the same requirements, procedures, and defenses that apply to the modification of an order issued by a tribunal of this State and the order may be enforced and satisfied in the same manner.

(c) A tribunal of this State may not modify any aspect of a child-support order that may not be modified under the law of the issuing state. If two or more tribunals have issued child-support orders for the same obligor and child, the order that controls and must be so recognized under Section 36-5-2207 establishes the aspects of the support order which are nonmodifiable.

(d) On issuance of an order modifying a child-support order issued in another state, a tribunal of this State becomes the tribunal having continuing, exclusive jurisdiction.

SECTION 36-5-2612. RECOGNITION OF ORDER MODIFIED IN ANOTHER STATE.

A tribunal of this State shall recognize a modification of its earlier child-support order by a tribunal of another state which assumed jurisdiction pursuant to parts 20-29 or a law substantially similar to parts 20-29 and, upon request, except as otherwise provided in parts 20-29, shall:

- (1) enforce the order that was modified only as to amounts accruing before the modification;
- (2) enforce only nonmodifiable aspects of that order;
- (3) provide other appropriate relief only for violations of that order which occurred before the effective date of the modification; and
- (4) recognize the modifying order of the other state, upon registration, for the purpose of enforcement.

PARTIES
SECTION 36-5-2613. JURISDICTION TO MODIFY CHILD-SUPPORT ORDER OF ANOTHER STATE WHEN INDIVIDUAL RESIDE IN THIS STATE.

(a) If all of the parties who are individuals reside in this State and the child does not reside in the issuing state, a tribunal of this State has jurisdiction to enforce and to modify the issuing state's child-support order in a proceeding to register that order.

(b) A tribunal of this State exercising jurisdiction under this section shall apply the provisions of Parts 21 and 22, this part, and the procedural and substantive law of this State to the proceeding for enforcement or modification. Parts 23, 24, 25, 27, and 28 do not apply.

SECTION 36-5-2614. NOTICE TO ISSUING TRIBUNAL OF MODIFICATION.

Within thirty (30) days after issuance of a modified child-support order, the party obtaining the modification shall file a certified copy of the order with the issuing tribunal that had continuing, exclusive jurisdiction over the earlier order, and in each tribunal in which the party knows the earlier order has been registered. A party who obtains the order and fails to file a certified copy is subject to appropriate sanctions by a

tribunal in which the issue of failure to file arises. The failure to file does not affect the validity or enforceability of the modified order of the new tribunal having continuing, exclusive jurisdiction.

PART 27

DETERMINATION OF PARENTAGE

SECTION 36-5-2701. PROCEEDING TO DETERMINE PARENTAGE.

(a) A tribunal of this State may serve as an initiating or responding tribunal in a proceeding brought under parts 20-29 or a law or procedure substantially similar to parts 20-29, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act to determine that the petitioner is a parent of a particular child or to determine that a respondent is a parent of that child.

(b) In a proceeding to determine parentage, a responding tribunal of this State shall apply the provisions of Title 36, Chapter 2 and the rules of this State on choice of law.

PART 28

INTERSTATE RENDITION

SECTION 36-5-2801. GROUNDS FOR RENDITION.

(a) For purposes of this part, "governor" includes an individual performing the functions of governor or the executive authority of a state covered by parts 20-29.

(b) The governor of this State may:

(1) demand that the governor of another state surrender an individual found in the other state who is charged criminally in this State with having failed to provide for the support of an obligee; or

(2) on the demand by the governor of another state, surrender an individual found in this State who is charged criminally in the other state with having failed to provide for the support of an obligee.

(c) A provision for extradition of individuals not inconsistent with parts 20-29 applies to the demand even if

the individual whose surrender is demanded was not in the demanding state when the crime was allegedly committed and has not fled therefrom.

SECTION 36-5-2802. CONDITIONS OF RENDITION.

(a) Before making demand that the governor of another state surrender an individual charged criminally in this State with having failed to provide for the support of an obligee, the governor of this State may require a prosecutor of this State to demonstrate that at least thirty (30) days previously the obligee had initiated proceedings for support pursuant to parts 20-29 or that the proceeding would be of no avail.

(b) If, under parts 20-29 or a law substantially similar to parts 20-29 the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act, the governor of another state makes a demand that the governor of this State surrender an individual charged criminally in that state with having failed to provide for the support of a child or other individual to whom a duty of support is owed, the governor may require a prosecutor to investigate the demand and report whether a proceeding for support has been initiated or would be effective. If it appears that a proceeding would be effective but has not been initiated, the governor may delay honoring the demand for a reasonable time to permit the initiation of a proceeding.

(c) If a proceeding for support has been initiated and the individual whose rendition is demanded prevails, the governor may decline to honor the demand. If the petitioner prevails and the individual whose rendition is demanded is subject to a support order, the governor may decline to honor the demand if the individual is complying with the support order.

PART 29

MISCELLANEOUS PROVISIONS

SECTION 36-5-2901. UNIFORMITY OF APPLICATION AND CONSTRUCTION.

This act shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of such act among the states enacting it.

SECTION 36-5-2902. SEVERABILITY CLAUSE.

If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Uniform Interstate Family Support Act which can be given effect without the invalid provision or application, and to that end the provisions of the Uniform Interstate Family Support Act are declared to be severable.

SECTION 3. Tennessee Code Annotated, Title 36, Chapter 5, Part 2 is repealed.

SECTION 4. Tennessee Code Annotated, Title 36, Chapter 5, Part 3 is repealed.

SECTION 5. Tennessee Code Annotated, Title 36, Chapter 5 is amended by adding the following as a new Part 30:

Section 36-5-3001. Purposes and Construction of Part and Limitation of Scope of Part.--(a) The purpose of this part is to provide procedures for the intercounty enforcement and modification of child support and child custody cases and shall be liberally construed to effectuate its purposes.

(b) The provisions for transfer in this part shall not apply to cases in any court regarding petitions for dependency and neglect, delinquency, unruly behavior, terminations of parental rights or adoptions pursuant to Titles 36 and 37.

Section 36-5-3002. Definitions.-- For purposes of this part and unless the context clearly requires otherwise, the following terms shall have the following meanings:

(1) "Child's county"-- The county in which the child who is subject to a support or custody order resides.

(2) "Clerk"--The clerk of the transferor or transferee court, or the clerk of any court who has been designated by either of those courts to collect support payments for such court.

(3) "Court"-- Except as provided in 36-5-3001(b), a juvenile, circuit, or chancery court or other court of this state with jurisdiction to enter support or custody orders.

(4) "Department"-- The department of human services or its contractor or designee.

(5) "Filing"-- The initiation of judicial action by the completion of a motion or petition seeking to order the alteration of a legal status through the act of sending or bringing the motion or petition to the office of the clerk of the court.

(6) "Issuing county"-- The county in which a court issues a support or custody order or which renders a judgment determining parentage or to which a support or custody order has been previously transferred.

(7) "Issuing court"-- The court that issues a support or custody order or renders a judgment determining parentage or to which a support or custody order has been previously transferred.

(8) "Obligor's county"-- The county in which the obligor or non-custodial parent resides.

(9) "Request"--A statement of a party to a custody or support order seeking transfer of a case to the county where the requesting party resides.

(10) "Service of Process"-- The act of bringing or sending notice of the filing of a motion or petition to the attention of the opposing party by delivery of a copy of the motion or pleading to the opposing party.

(11) "Transfer"-- The process by which the transferor court, upon request, moves the case to a court where the child resides thereby conferring jurisdiction on the transferee court.

(12) "Transferee court"-- The court which assumes jurisdiction upon a transfer of a case.

(13) "Transferor court"-- The court from which a case is transferred to another court.

Section 36-5-3002. Transfer of Support or Custody Order.-- (a) Except as provided in § 36-5-3001(b), a case which includes child support or custody provisions may be transferred between counties in Tennessee upon request of a requesting party without the need for any additional filing by the requesting party, or service of process upon the non-requesting party, in order to retain jurisdiction over the parties.

(b) A case may be transferred by a court to any court of competent jurisdiction if all of the following apply:

(1) Neither the child nor the obligee or non-custodial parent currently reside in the issuing county;

(2) The child resides in the county to which the case is being transferred; and

(3) The child has resided in the county to which the case is being transferred for at least six (6) months.

Section 36-5-3003. Procedure to transfer case.-- A case may be transferred by a party or by the department by sending a request for transfer to the transferor court. The request shall include the following information:

(1) A sworn statement by the party or the department seeking transfer that, to the best of the requesting party's or the department's knowledge, neither the child nor the obligee or non-custodial parent resides in the transferor county and that the child now resides in the transferee county and that the child has resided there for at least six (6) months;

(2) The issuing court's docket number of the case to be transferred;

(3) The name of the other party and, if known, the other party's address and social security number;

(4) The name of the court and address of the clerk of the court to whom the case is to be transferred;

(5) The name and address, if known, of the employer of the obligor if the order has been or may be subject to an income assignment;

(6) That the request for transfer can be appealed by the nonrequesting party within fifteen (15) days of the date the notice was mailed by filing a motion for review of the request in the transferor court; and

(7) Certification by the requesting party or the department that a copy of the request with the information in subsection (1)-(6) has been mailed to the nonrequesting party.

(8) A copy of a notice, with the address of the nonrequesting party, to be sent by the clerk of the transferor court to the nonrequesting party in the event that the case is transferred which states that the case has been transferred and that all child support payments of the obligor are to be sent, as appropriate, to the clerk of the transferee court or to the department of human services, as the case may be.

Section 36-5-3004. Duties of the transferor court.-- (a)
If no request for appeal of the request for transfer is filed within fifteen (15) days pursuant to § 36-5-3003(6), or if the appeal contesting the transfer is denied by the transferor court, the clerk of the transferor court shall, within fifteen (15) days thereafter:

(1) Remove from the court file the original pleadings, orders and any other filed documents, or make certified copies of such documents;

(2) Prepare a certified, complete child support payment record, unless the case is being enforced by the department of human services pursuant to Title IV-D of the Social Security Act in which situation the department's child support computer system, if operative for the transferor and transferee court at the time of the transfer, shall be used as the child support payment record and the clerk shall not be required to prepare the certified child support payment record; and;

(3)(A) Mail the originals, or certified copies of the originals, of all documents and, if necessary, the certified child support payment record, to the clerk of the court of the transferee court. The computer record, if operative, shall be used as the official record of the child support obligation.

(B) Mail the notice supplied pursuant to § 36-5-3003(8) to the non-requesting party.

(b) The clerk of the transferor court shall not be required to maintain the copies of the original pleadings or other original documents in the record, but may do so if certified copies are sent.

(c) Upon receipt of the transferred documents and assignment of a docket number by the transferee court, the jurisdiction of the transferor court is terminated.

Section 36-5-3005. Duties and powers of transferee clerk and transferee court.-- (a) A transferee court, upon receipt of the transferred documents from the transferor court shall assign a docket number to the case and establish a case file, and shall create a child support payment record, unless the case is being enforced under Title IV-D of the Social Security Act, in which case the department's child support computer system, if operative for the transferor and transferee court at the time of the transfer, shall be used as the child support payment record and the clerk shall not be required to create a separate child support payment record.

(b) A transferred order of child support or custody is enforceable and modifiable in the same manner and is subject to the same procedures as if the order had been originally issued by the transferee court.

(c)(1) Upon receipt of the certified payment record from the transferor court, the transferee court shall admit the certified copy as evidence of payments made or not made. Testimony of the record keeper from the transferor court shall not be required. If the case is being enforced under Title IV-D of the Social Security Act the department's child support computer system, if operative for the transferor and transferee court at the time of the transfer, shall be used as the child support payment record, and no further evidence of the record keeper shall be required.

(2) The certified copy of the custody and parental access or visitation orders shall be admitted as evidence of the current custodial and parental access or visitation status of the child without testimony of the record keeper of the transferor court.

Section 36-5-3006. Contest of Transfer.-- (a) A party may contest the transfer of the case by filing a motion in the transferor court for that purpose within fifteen (15) days of the date of the notice from the requesting party. Failure to appeal the transfer request within the fifteen (15) day period waives any objection to the transfer request.

(b) The contest of the transfer shall be limited to whether:

(1) One party or the child continues to reside in the transferor county; or

(2) The child has resided in the transferee county for at least six (6) months.

(c) If the case has been transferred pursuant to this part, the fact that one of the parties or the child returns to the transferor county does not automatically confer jurisdiction upon the previous transferor court unless the child has returned to and resided in the transferor county for at least six (6) months.

Section 36-5-3007. Costs and fees.-- (a) There shall be a fee of twenty dollars (\$20.00) for a transfer request pursuant to this part except as otherwise provided in this section.

(b) When a transfer request is made by the department of human services or its contractors, the fee and all taxes shall be waived for the department or its contractors.

(c) Costs of court and for making copies and for providing certifications, fees and taxes shall be adjudged by the transferee court for both the clerks of the transferor court and the transferee court against the obligor and shall be apportioned between each clerk as to the costs, fees and taxes due for each clerk.

(d) The clerk will file any request for transfer even without the sum required by subsection (a) and carry out the requirements of this part. If not paid, such sum shall be added to the cost bill to be assessed by the transferee court.

SECTION 6. Tennessee Code Annotated, Title 36, Chapter 5 is amended by adding the following as a new part 31:

36-5-3101. Purpose and Construction of Part.--The purpose of this part is to provide a procedure for the enforcement of support obligations arising under the law against an obligor without a transfer of jurisdiction to modify the order. The provisions of this part shall be liberally construed to effectuate its purposes.

36-5-3102. Definitions.-- The following definitions apply to this part unless the context otherwise clearly requires:

(1) "Court"--Means a juvenile, circuit, or chancery court or other court of this state with jurisdiction to enter support or custody orders.

(2) "Clerk"--Means the clerk of the original or registering court, or the clerk of any court who has been designated by either of those courts to collect support payments for such court.

(3) "Department"-- Means the department of human services or its contractor.

(4) "Issuing court"--Means the court which entered the order sought to be enforced in the registering court.

(5) "Nonrequesting party"--Means the party against whom a registered order is sought to be enforced.

(6) "Obligor"--Means an individual against whom a support order has been entered.

(7) "Obligee"--Means an individual or agency to whom a support obligation is owed by an obligor.

(8) "Registering court"--Means the court in which a support order is registered for enforcement only.

36-5-3103. Registration of order for enforcement.-- (a)
A support order issued by a court of this state may be registered in the county where the obligor resides in this state for enforcement purposes only. A support order issued by a court in one county may be registered in another county by the person or agency seeking only enforcement of the original order against a support obligor by sending the following documents and information to the appropriate court in the registering county:

(1) one certified copy of all orders to be registered, including any modification of an order;

(2) a letter or transmittal document which includes the following information:

(A) the name of the obligor, and if known:

(i) the obligor's address and social security number;

(ii) the name and address of the obligor's employer and any other source of income of the obligor; and

(B) the name and address of the obligee and, if applicable, the agency or person to whom support payments are to be paid.

(3) a sworn statement by the party seeking registration or a certified statement of the clerk of the court or custodian of the records showing the amount of any arrearage being sought to be enforced unless the case is being enforced by the department of human services pursuant to Title IV-D of the Social Security Act in which situation the department's child support computer system, if operative for the transferor and transferee court at the time of the transfer, shall be used as the child support payment record and the clerk or custodian shall not be required to prepare the certified statement of the child support payment record.

(4) a copy of a notice, with the address of the nonrequesting party, to be sent by the clerk of the registering court to the nonrequesting party pursuant to § 36-5-3105 which states:

(A) that a registered order is enforceable as of the date of registration in the same manner as an order issued by a court of the registering county;

(B) that a hearing to contest the validity or enforcement of the registered order must be requested to the registering court within fifteen (15) days after the date of mailing of the notice;

(C) that failure to contest the validity or enforcement of the registered order in a timely manner will result in confirmation of the order by operation of law, will result in enforcement of the order and the alleged arrearages, and will preclude further contest of that order with respect to any matter that could have been asserted;

(D) of the amount of any alleged arrearages; and

(E) that, if the registered order is confirmed by operation of law or by court order, all payments made under the order shall be made to the clerk of the registering court or to the department of human services, or another clerk, as appropriate.

(b) On receipt of a request for registration, the registering court shall cause the order to be filed, together with one (1) copy of the documents and information, regardless of their form.

(c) A petition seeking a remedy that must be affirmatively sought may be filed at the same time as the request for registration or may be filed later.

(d) All payments received by the issuing court after the order has been registered shall be sent by the clerk of the issuing court to the clerk of the registering court, or the department of human services if the clerk of the registering court is not participating in the child support enforcement system, without credit being given to the obligor by the clerk of the issuing court.

36-5-3104. Effect of registration of order.-- (a) A support order issued in another county is registered for enforcement pursuant to this part when the order is filed in the registering court and the requirements of § 36-5-3103(a) are met.

(b) A registered order originally issued in another county is enforceable in the same manner and is subject to the same procedures as an order issued by a court of the registering county.

(c) Except as otherwise provided in this part, a court of the registering county shall recognize and enforce, but may not modify, a registered order.

36-5-3105. Notice of registration of order.--When a support order issued in another county is registered, the registering court shall send the notice required by § 36-5-3103(a)(4) to the nonregistering party within two (2) days of the registration.

36-5-3106. Procedure to contest validity or enforcement of registered order.--

(a) A nonregistering party seeking to contest the validity or enforcement of a registered order pursuant to this part shall request a hearing within fifteen (15) days after the date of mailing of the notice of the registration. The nonregistering party may seek to vacate the registration, to assert any defense to an allegation of noncompliance with the registered order, or to contest the remedies being sought or the amount of any alleged arrearages.

(b) If the nonregistering party fails to contest the validity or enforcement of the registered order in a

timely manner, the order is confirmed by operation of law.

(c) If a nonregistering party requests a hearing to contest the validity or enforcement of the registered order, the registering court shall schedule the matter for hearing and give notice to the parties of the date, time and place of the hearing.

36-5-3107. Contest of registration or enforcement.-- (a) A party contesting the validity or enforcement of a registered order or seeking to vacate the registration has the burden of proving one or more of the following defenses:

(1) the registered order was obtained by fraud;

(2) the registered order has been vacated, suspended, or modified by a later order;

(3) the issuing court has stayed the registered order pending appeal;

(4) the statement of arrears is incorrect.

(b) If a party presents evidence establishing a full or partial defense under subsection (a), the court where the order is registered may stay enforcement of the registered order until the issues have been resolved by the court that issued the order. Any uncontested portion of the registered order may be enforced by all remedies available pursuant to law.

(c) If a contesting party does not establish a defense pursuant to subsection (a) regarding the validity or enforcement of the order, the registering court shall issue an order confirming the order. An order confirming registration of the order is not required if no contest to the registration is made.

36-5-3108. Effect of confirmed order.-- Confirmation of an order by operation of law or following a hearing precludes further contest of the order with respect to any matter that could have been asserted at the time of registration.

36-5-3109. Rights of the department of human services -- Whenever the department of human services furnishes support to an obligee, it has the same right to invoke the provisions of this part as the obligee to whom the support was furnished for the purpose of securing reimbursement of

expenditures made on behalf of the obligee and for the purpose of obtaining continuing support.

36-5-3110. Disbursement of collections.-- (a) When the clerk of the court of the registering county collects the support which was owed and which has been enforced by the court of the registering county pursuant to this part, the clerk shall send the support amount, less the statutory fee of the clerk, directly to the obligee, or to the department of human services, as appropriate, but the clerk shall not send the support amount to the issuing court from which the original order was issued and which was registered for enforcement pursuant to this part.

(b) If the clerk is not participating in the statewide child support computer system and the case is being enforced by the department of human services under Title IV-D of the Social Security Act, any support payments shall be sent by the obligor to the department or to the appropriate participating clerk.

36-5-3111. Costs--(a) There shall be a fee of twenty dollars (\$20.00) for the registration of an order pursuant to this part except as otherwise provided in this section.

(b) When an order is registered by the department of human services or its contractors, the fee shall be waived for the department or its contractors.

(c) The respondent shall be liable for the costs of the issuing court and the registering court together with the required filing fee, upon the court finding the respondent liable for the failure to pay the support as required by the registered order. The costs shall be apportioned between the clerks of the issuing court and the registering court according to their fees, costs and the taxes due.

(d) The clerk will file any request for registration even without the sum required by subsection (a) and carry out the requirements of this part. If not paid, such sum shall be added to the cost bill to be assessed by the registering court.

SECTION 7. Tennessee Code Annotated, Section 36-5-101 is amended by deleting subsection (c) in its entirety and by substituting instead the following:

(c) In intrastate cases, jurisdiction to modify, alter or enforce orders or decrees for the support of children shall be determined in accordance with the provisions of Sections 5 and 6 of this act.

SECTION 8. Tennessee Code Annotated, Section 36-5-103 is amended by deleting subsection (b) in its entirety and by substituting instead the following:

(b) In intrastate cases, jurisdiction to modify, alter or enforce orders or decrees for the support of children shall be determined in accordance with the provisions of Sections 5 and 6 of this act.

SECTION 9. Tennessee Code Annotated, Section 37-1-104(d) is amended by deleting subdivision (1) in its entirety and by substituting instead the following:

(1)(A) The juvenile court has concurrent jurisdiction and statewide jurisdiction with other courts having the jurisdiction to order support for minor children and shall have statewide jurisdiction over the parties involved in the case.

(B) In intrastate cases, jurisdiction to modify, alter or enforce orders or decrees for the support of children shall be determined in accordance with the provisions of Sections 5 and 6 of this act.

(C) In any political subdivision or judicial district of the state in which a court by contract is the agency designated to provide child support enforcement pursuant to Title IV-D of the Social Security Act, and if a judge with child support jurisdiction in that political subdivision or judicial district agrees, the contracting court shall have jurisdiction in any case in such judge's court in which an application is made for assistance in obtaining support under provisions of this part. Upon application being made for child support enforcement assistance as provided by law, the contracting court shall assume jurisdiction and it is the duty of the court clerk to so notify the clerk of any court having prior jurisdiction. The contracting court shall then proceed to make and enforce such orders of support as it deems proper within its jurisdiction pursuant to the agreement. The contracting court shall not have jurisdiction in any case in which an absent parent is in full compliance with a support order of another court.

SECTION 10. Tennessee Code Annotated, Title 71, Chapter 1, Part 1 is amended by adding the following as a new section:

(a)(1) The records of the department or its contractors or agents concerning the application for and receipt of Title IV-D services provided by the department, its contractors or agents pursuant to this part or pursuant to Titles 36 or 37, and any information from federal or state agencies which is otherwise required by federal law or regulations to be given to the department and to be held by the department in a confidential manner, and any information which is required to be given to the department of human services, its contractors or agents by any requirement of federal or state law as part of the department's Title IV-D responsibilities to enforce child or spousal support, but which is otherwise protected as confidential by a state's law or regulations, shall be confidential and shall not be available for public inspection by any person or entity or for use in judicial or administrative proceedings or for law enforcement activities, nor may any information identifying any name or address of an applicant or recipient of Title IV-D services provided by the department, its contractors or agents pursuant to this part or under Titles 36 or 37 be disclosed to any federal, state or local committee or legislative body, except as provided in this section, and where not otherwise directly contrary to federal or state law or regulations.

(2) Except where information in the child or spousal support record which has been provided to the department pursuant to any federal or state law or regulation for purposes related to the establishment, enforcement or modification of child or spousal support under the Title IV-D child support program is otherwise specifically protected from further disclosure or further use by any other federal or state law or regulation, the department is specifically authorized to further utilize or further disclose the records of any applicant, recipient, or member of a family or household which receives child or spousal support services for any purposes which it determines in its sole discretion are directly connected with:

(A) The administration of the plan or program approved under Parts A, B, D, E, or F of Title IV of the Social Security Act or under Titles I, XIV, XVI, XIX, or XX of the Social Security Act, or the supplemental security program (SSI) established under Title XVI of the Social Security Act;

(B) Any investigations, prosecutions, or civil, criminal or administrative proceeding conducted in connection with the administration of any such plan or program under subdivision (2)(A);

(C) The administration of any other Federal or Federally assisted program which provides assistance, in cash or in kind, or services, directly to individuals on the basis of need;

(D) Reporting to an appropriate agency or official, information on known or suspected instances of physical or mental injury, sexual abuse or exploitation, or negligent treatment or maltreatment of a child who is the subject of a child enforcement activity under circumstances which indicate that the child's health or welfare is threatened by such treatment;

(E) A response to a request for payment records of a child support obligor; and

(F) Inquiries from legislative representatives of an obligor or obligee based upon a release for that purpose executed by the affected person.

(3) Notwithstanding the foregoing provisions of this section and any other law to the contrary, no information shall be disclosed by the department pursuant to this section from Title IV-D records maintained by the department, its contractors or agents when:

(A) A protective order has been entered against one party and the release of information from such record would disclose the whereabouts of the party for whose benefit the protective order was entered; or

(B) The department, its contractors or agents have reason to believe that the release of information concerning the whereabouts of one party to another party may result in physical or emotional harm to the former party.

(4) Notwithstanding the provisions of any law to the contrary, when any information regarding a consumer report, as defined in 15 U.S.C. § 1681a, from a consumer reporting agency is obtained by the department, its contractors or agents, such information will be kept confidential and will be used solely for the purposes of establishing an individual's capacity to make child or spousal support payments or in determining the appropriate level of such payments, and such report shall be confidential and will not be available by subpoena or court order for any civil, criminal, or administrative proceeding, law enforcement activity or for any

other purpose, except for the purpose of the establishment, enforcement and modification of child or spousal support obligations by the department, or by any federal, state, territorial, or foreign child or spousal support enforcement agency, or by their contractors or agents.

(5) Notwithstanding the provisions of any law to the contrary, any financial information obtained from a financial institution by the department, its contractors or agents regarding an individual shall be confidential and will not be available by subpoena or court order for any civil, criminal or administrative proceeding, law enforcement activity or for any other purpose, and shall be disclosed only for the purpose of and to the extent necessary for the establishment, enforcement and modification of child or spousal support obligations by the department, its contractors or agents or by any federal, state, territorial, or foreign child support enforcement agency or their contractors or agents.

(6) Notwithstanding the provisions of any law to the contrary, any information which is required to be given to the department of human services, its contractors or agents by any requirement of federal or state law or regulations as part of the department's responsibilities to enforce child or spousal support, but which is otherwise not subject to the provisions of subdivisions (4) and (5), and which is otherwise ordinarily protected by federal or state law or regulations from disclosure or use because it is protected as confidential information, shall be confidential and shall not be available by subpoena or court order for any civil, criminal, administrative proceeding, law enforcement activity, or for any other purpose. Such information shall be disclosed only to the extent permitted by such federal or state laws or regulations, and only for the purpose of and to the extent necessary for the establishment, enforcement and modification of child support obligations by the department, its contractors or agents or by any federal, state, territorial, or foreign child support enforcement agency or their contractors or agents.

(7)(A)(i) Except as released pursuant to subdivision (2) by the department, its contractors or agents, and except as prohibited by subdivisions (3), (4), (5) and (6), the records or portions of records or testimony of current or former employees, agents or contractors of the department concerning the Title IV-D child support program may be released only pursuant to a written order for their disclosure issued by a judicial or administrative tribunal and served personally upon the commissioner of human services or his or her designee at least five (5) business days prior to the date

designated for disclosure. A subpoena shall not be sufficient to obtain the disclosure of Title IV-D child support records. Unless waived by the department, any order for disclosure not properly served shall be void and of no effect whatsoever.

(ii) Except as necessary for use in a judicial proceeding or an administrative proceeding concerning a Title IV-D child or spousal support matter in which such records must be disclosed, and for any appeal therefrom, any records of the Title IV-D child support program which may be ordered disclosed pursuant to this subdivision for use in any other civil or criminal judicial or other administrative proceeding must also have a written protective order issued by the court or administrative law judge or hearing officer and served upon the commissioner of human services prior to the release of the records pursuant to this subdivision. The protective order shall state that there will be no further disclosure beyond the necessary use by the tribunal and the parties for the conduct of those proceedings. The department shall not be required to disclose any records until the receipt of the protective order by the department or its designee.

(B) The department may comply with a properly served order issued by a state or local judicial or administrative tribunal pursuant to this subdivision by sending copies of pertinent portions of the record requested, or by sending an abstract of the pertinent information from its computer records or other records, in a sealed envelope addressed to the court or administrative body or the person taking a deposition, together with an affidavit of an authorized agent of the department attesting to the authenticity of the record, unless the court or administrative body, for good cause shown, enters an order in the record requiring the attendance of a department, contractor or agent employee at the proceeding.

(C) The department, its contractors or agents may file a motion to quash or modify any subpoena or order for disclosure issued by any judicial or administrative tribunal or by any legislative entity, and no records shall be disclosed pursuant to any subpoena or order until the conclusion, including appeal, of the proceedings seeking to quash or modify the subpoena or order.

(8) A willful violation of the provisions restricting the disclosure of information pursuant to this section shall be a Class C misdemeanor.

SECTION 11. Tennessee Code Annotated, Title 36, Chapter 5, is amended by adding the following as a new part 8:

36-5-801. Access to records for child support enforcement.--(a) For the purpose of establishing paternity, or for the establishment, modification or enforcement of orders of support under the child support program established under Title IV-D of the Social Security Act, the department of human services shall have the authority to:

(1) Subpoena, by an administrative subpoena issued by the commissioner, by any authorized representative of the commissioner, or by any contractor of the department, any financial or other information needed to establish, modify, or enforce an order of support;

(2) Require all entities in the state, including, but not limited to, for-profit, non-profit and governmental employers, to provide promptly, in response to a request or administrative subpoena from the department, its Title IV-D contractor, or by the Title IV-D agency or contractor of any other state, information on the employment, compensation, and benefits of any individual employed by such entity as an employee or as a contractor.

(3)(A) Obtain upon request, or by administrative subpoena if necessary, and notwithstanding any other law to the contrary, access, including automated access if available, to the following records of any state or local agency:

(i) Vital statistics, including records of voluntary acknowledgments, marriages, births, deaths and divorces;

(ii) State and local tax records and revenue records, including information about the residence address, employer of any individual, and the individual's income and assets;

(iii) Records of real and titled personal property;

(iv) Records of occupational and professional licenses, and records concerning the ownership and control of corporations, partnerships, and other business entities;

(v) Employment security records;

(vi) All records of any state or local agency administering any form of public assistance;

(vii) Records relating to the registration and titling of motor vehicles;

(viii) Records of state, county, or municipal correctional agencies;

(4) Obtain pursuant to an administrative subpoena, and notwithstanding any other law to the contrary, access to certain records held by private entities with respect to individuals who owe or are owed support or against or with respect to whom a support obligation is sought, consisting of the names and addresses of such individuals and the names and addresses of the employers of such individuals, as appearing in customer records of public utilities, including all electric, gas, telephone and water companies and cable television companies; and

(5) Obtain upon request, and by administrative subpoena if necessary, and notwithstanding any other law to the contrary, information, including, but not limited to, information on assets and liabilities held by any financial institution regarding any individuals who owe, are owed or against or with respect to whom a support obligation is owed.

(6)(A) Notwithstanding the provisions of any other law to the contrary, the department of human services, and any of its Title IV-D child support contractors, or the Title IV-D agency of any other state or territory, or any of their Title IV-D child support contractors and any Federal agency conducting activities under Title IV-D of the Social Security Act, shall have access to any information maintained by any agency of the state of Tennessee which maintains any system used to locate any individual for any purpose relating to registration of any motor vehicles or law enforcement activities.

(B) For purposes of this subdivision, "system" shall be defined as any automated, computerized or electronic system used by any state law enforcement agency, or any state agency which otherwise maintains any records of motor vehicles, in which any information relative to the location or address of any individual persons are maintained by such agencies.

(C) The department of human services shall have rulemaking authority to prescribe the information required by the provisions of this subdivision.

(b) No administrative subpoena shall issue to individuals or entities, other than the obligor or obligee, pursuant to this part without prior review and approval of the necessity for its issuance by a licensed attorney employed by the department or its contractor.

(c) A request or administrative subpoena pursuant to this section may be contested by filing an appeal pursuant to the provisions of Section 16 of this act.

36-5-802. Administrative orders for parentage tests.--
For the purpose of establishing paternity orders of support under the child support program established under Title IV-D of the Social Security Act, the department of human services shall have the authority:

(1) To issue an administrative order by the commissioner, authorized representative of the commissioner or the department's contractor directed to one or more persons to order the genetic testing of the child, the mother and the putative father(s) for the purpose of paternity establishment without the necessity of filing a paternity action;

(2) If the department orders such tests, it shall pay the costs of such tests and may recoup such costs from the putative father upon establishment of his paternity of the child in question or upon establishment of an order of support of the child for whom paternity has been established;

(3) The department may obtain additional testing by administrative order in any case in which an original test is contested upon request of and payment of the costs of such tests by the contestant. The party requesting the tests, other than the department, shall make advance payment for such tests. The department may recoup the costs of such tests it obtains at its

request from the putative father upon establishment of his paternity of the child in question or upon establishment of an order of support of the child for whom paternity has been established.

(4) The department may obtain additional tests at its request and may direct the parties by administrative order to attend and to undergo such tests.

36-5-803. Administrative orders to redirect child support payment.--

(a) The commissioner's authorized representative, or the department's Title IV-D contractor, is authorized to issue an administrative order to direct the obligor or other payor in Title IV-D child support cases to change the payee to the clerk or to the department. Notice of the order shall be provided by the department to the obligor and the obligee.

(b) A copy of the administrative order issued pursuant to this section shall be sent to the clerk of the court which issued the original order and the administrative order shall be entered in the court record.

36-5-804. Administrative orders to direct additional payments to reduce arrearages.

(a) For the purpose of securing overdue support, the commissioner, or the commissioner's duly authorized representatives or the department's Title IV-D contractor, shall have the authority to enter an administrative order to add an amount to the monthly support order which will reduce the arrearage by payment of a reasonable amount toward the reduction of the arrearage over a reasonable period of time.

(b) A copy of the administrative order issued pursuant to this section shall be sent to the clerk of the court which issued the original order and the administrative order shall be entered in the court record.

36-5-805. Updating of information of parties to certain administrative actions.--(a) Each individual who is a party to any action pursuant to §§ 36-5-802, 36-5-803 and 36-5-804 of this part shall be required, and the department shall order the party to file with the local Title IV-D child support office,

upon entry of an order by the department, and to update, as appropriate, the party's:

- (1) Change in name;
- (2) Social security number;
- (3) Residential and mailing addresses;
- (4) Home telephone numbers;
- (5) Driver's license number;
- (6) The name, address, and telephone number of the person's employer; and,
- (7) The availability and cost of health insurance for the child.

(b) Any update must be made within twenty (20) days of the date of a change in circumstances of the person and the order shall give notice of this requirement.

(c) In any subsequent child support enforcement action, the delivery of written notice as required by Tennessee Rule of Civil Procedure 5 to the most recent residential or employer address shown in the department's records or the Title IV-D agency's records as required in subsection (a) shall be deemed to satisfy due process requirements for notice and service of process with respect to that party if there is a sufficient showing that a diligent effort has been made to ascertain the location and whereabouts of the party.

(d) Upon motion of either party, upon a showing of domestic violence or the threat of such violence, the department may enter an administrative order to withhold from public access the address, telephone number, and location of the alleged victim(s) or threatened victims of such circumstances or such other information, as specifically ordered by the department.

36-5-806. Administrative review of certain administrative orders.

The persons against whom the administrative orders in §§ 36-5-802 and 36-5-803 were issued shall have a right to administratively appeal such orders pursuant to the provisions of Section 16 of this act.

36-5-807. Automated processes and service of documents. (a) To the maximum extent feasible, the department's automated child support enforcement system shall be utilized to carry out the expedited procedures of this part and the system may be used for the issuance and service of any requests, administrative orders, or subpoenas necessary to enforce child support obligations and such automated service shall be effective for all purposes in this part. Electronically reproduced signatures shall be effective to issue any orders or subpoenas pursuant to this part.

(b) Notwithstanding the provisions of subsection (a), any requests, administrative orders or administrative subpoenas required to be issued pursuant to this part may be transmitted to any party or person by any method chosen by the department, including but not limited to: certified mail, return receipt requested, regular mail, electronic mail, facsimile transmission, or by personal service, and may be generated by computer or on paper.

(c) If an administrative order or administrative subpoena is returned or otherwise not deliverable, then service shall be had by any alternative method chosen by the department, as listed in subsection (b). Before taking action against an individual or entity for failure to comply with this part, the department shall ensure that service of the administrative order, administrative subpoena, or request, was confirmed by certified mail or by personal service.

36-5-808. Statewide jurisdiction of department. The department's authority and jurisdiction in issuing requests, administrative orders, or subpoenas pursuant to any administrative authority granted by law shall be statewide over all persons or entities in cases subject to its administrative procedures.

36-5-809. Enforcement of out-of-state requests, administrative orders and administrative subpoenas.--(a) Administrative orders of child support enforcement agencies of other states or territories seeking to conduct any of the activities provided in this part shall receive full faith and credit and shall be enforceable against persons or entities in this state.

(b) The administrative orders issued by such agencies may be enforced on their behalf by the department or its Title IV-D contractors pursuant to the requirements of § 36-5-811.

36-5-810. Immunity for compliance with requests, orders and subpoenas. All persons or entities complying with any requests, administrative orders, or administrative subpoenas issued pursuant to this part shall be absolutely immune from any liability, civil or criminal, for compliance with the terms of such requests, administrative orders or administrative subpoenas. Nothing herein shall be construed to mean, however, that such immunity applies to any person's civil or criminal liability for support or for failing to provide support as directed by any tribunal's judicial or administrative order, or by law or by regulation.

36-5-811. Enforcement of requests for information. (a) Failure to comply with a request for information under §36-5-801(a) may be enforced by the department by the imposition of a civil penalty of one hundred dollars (\$100.00) for the failure to respond to such request.

(b) Such penalties shall be assessed by the commissioner of human services after written notice which provides fifteen (15) days to file a written request for appeal. An appeal shall be conducted by the department as provided in the Uniform Administrative Procedures Act, Title 4, Chapter 5, Part 3.

(c) Failure to timely appeal the assessment of the civil penalty shall be final and conclusive of the correctness of the penalty.

(d) Any amount found owing shall be due and payable not later than fifteen (15) days after the date of transmission of the determination.

(e) Failure to pay an assessment shall result in a lien in favor of the department of human services against the real and personal property of the person or entity to whom or which the request was directed and shall be enforced by original attachment issued by any court having jurisdiction of the monetary amounts assessed in the county where the person resides or where the entity is located.

36-5-812. Enforcement of requests, administrative orders and administrative subpoenas.--(a) The department may enforce an administrative order or subpoena, or the civil penalties authorized in § 36-5-811 above, by filing a motion for such purpose in the chancery, circuit, juvenile court, or other domestic relations court, having jurisdiction over the support order, or at the option of the department or its Title IV-D contractor, in the county of the residence of the person

or of the location of the entity against whom the request, administrative order or administrative subpoena was issued.

(b) The court may enforce any of its orders pursuant to this section by contempt orders.

(c) The department may also enforce such administrative orders by directing the revocation, denial, or suspension of any license, as defined in §36-5-701, of any person or entity.

(d) Such enforcement methods shall be cumulative, and not exclusive, of any other remedies provided by law for the enforcement of any orders by the court or by the department.

36-5-813. Liability for fees and costs. The individual or entity to whom or to which the request, administrative order or administrative subpoena is issued pursuant to this part and which is enforced by the court pursuant to § 36-5-812 shall be liable for all court costs of the proceedings and shall be liable to the department for the cost of any private, contract or government attorney representing the state and for the time of any of its Title IV-D contractor staff utilized in litigating the administrative order or administrative subpoena.

36-5-814. For purposes of this section, "financial institution" shall mean:

(1) A depository institution, as defined in Section 3(c) of the Federal Deposit Insurance Act (12 U.S.C. 1813(c);

(2) An institution-affiliated party, as defined in Section 3(u) of such Act (12 U.S.C. 1813(u), including for purposes of §36-5-810;

(3) Any Federal credit union or State credit union as defined in Section 101 of the Federal Credit Union Act (12 U.S.C. 1752), including, for purposes of § 36-5-810, an institution-affiliated party of such a credit union, as defined in Section 206 of such Act (12 U.S.C. 1786);

(4) Any benefit association, insurance company, safe deposit company, money-market mutual fund, or similar entity authorized to conduct business in this State.

36-5-815. Rulemaking authority. The department shall have authority to promulgate rules to implement any provisions of this part pursuant to the Uniform Administrative Procedures Act compiled in title 4, chapter 5.

SECTION 12. Title 36, Chapter 5, of the Tennessee Code Annotated is amended by adding the following as a new part:

36-5-901. Liens for child support arrearages.-- (a)(1) In any case of child or spousal support enforced by the department of human services or its contractors under Title IV-D of the Social Security Act in which overdue support is owed by an obligor who resides or owns property in this state, a lien shall arise by operation of law against all real and personal property, tangible or intangible, then owned or subsequently acquired by the obligor against whom the lien arises for the amounts of overdue support owed or the amount of penalties, costs or fees as provided in this chapter.

(2) "Overdue support" shall be defined for purposes of this part, as any occasion on which the full amount of ordered support ordered for or on behalf of a minor child, or for a spouse or former spouse of the obligor with whom the child is living to the extent the spousal support would be included for the purposes of 42 U.S.C. 654A(4), is not paid by the due date for arrears as defined in § 36-5-101(a)(5) unless an income assignment is in effect and the payor of income is paying pursuant to § 36-5-501(g).

(b)(1) The commissioner may cause a notice of such lien on real property or upon any personal property to be recorded in the appropriate place for the filing of a judgment lien or security interest in the property. This notice may be filed by automated means where feasible. The department shall not be required to pay the fee for filing the notice of lien at the time the notice is filed, but shall be given credit and billed once each month for the notices which it files pursuant to this subsection.

(2) Upon request, the department shall disclose the specific amount of liability at a given date to any interested party.

(3)(A) The department may cause a notice of lien to be filed and to be effective in any county in this state against all real or personal property of the obligor by provision by the State of Tennessee of a computer terminal arrangement in the office of the register of deeds or other state or local agency where the information regarding the existence, amount and

date of the lien or security interest involving an obligor is made available to anyone who may be researching a title to real property or who may be seeking the status of any security interests or liens affecting any real or personal property held by an obligor.

(B) In the alternative, the department of human services may, upon agreement by the Secretary of State, develop a central site for recordation of all notices of liens on all property, real or personal, which would be subject to the lien provisions of this part and the department and the Secretary of State shall have authority to promulgate any rules necessary pursuant to the provisions of the Uniform Administrative Procedures Act compiled in title 4, chapter 5, to implement such central recordation site.

(C) The date noted in the department's computer record and which is displayed in the appropriate office of recordation showing the date the lien was first made available in the office of recordation for notice to anyone who may be researching a title to real property or who may be seeking the status of any security interests or liens affecting any real or personal property held by an obligor shall become the date of recordation of the notice of lien for all purposes of this part.

(D) If such system is provided by the department, the automated lien shall be effective for all purposes to give notice to persons who may be affected by the existence of such lien in the same manner as the recordation of notice in the lien book maintained by the register of deeds or in the records of any state or local agency maintaining such records.

(E) Prior to the implementation of the provisions of this subdivision, the department shall promulgate rules establishing procedures for the use of the automated system and shall, in addition to the other requirements of the Administrative Procedures Act for notice, provide specific notice to the state clerks of court conference, registers of deeds, and the Tennessee Bar Association.

(4) Nothing herein shall require the department to file a notice of lien for the seizure of an obligor's assets held by a state or local agency, by a court or administrative tribunal, by a lottery, by a financial institution or by a public or private retirement fund pursuant to § 36-5-904(a)(1)-(3) or to obtain any income withholding from any employer or other payor of income as otherwise permitted under title 36, chapter 5, part 5.

(c) The lien of the department for child support arrearages shall be superior to all liens and security interests created under Tennessee law except:

(1) County and municipal ad valorem taxes;

(2) Deeds of trust which are recorded prior to the recordation of notice of the department's lien;

(3) Security interests created pursuant to Article 9 of the Uniform Commercial Code, compiled in title 47, chapter 9, which require filing for perfection and which are properly filed prior to recordation of the notice of the department's lien;

(4) Security interests perfected under the Uniform Commercial Code without filing, as provided in § 47-9-302(1), which are properly perfected prior to recordation of the notice of the department's lien;

(5) Vendors' liens on real estate provided for in title 66, chapter 10 which are recorded prior to the recordation of notice of the department's lien; and

(6) The tax liens of the department of revenue filed pursuant to Title 67 prior to the department's child support lien.

(d) Nothing in this section shall be interpreted to give the department priority over any deed of trust or any security interest perfected under the Uniform Commercial Code prior to the filing of the notice of the department's child support lien, irrespective of when such child support lien arises. "Filing" for purposes of this subsection shall mean that the department has recorded its notice of lien pursuant to the provisions of subsection (b) by filing a document to record its notice of lien in the appropriate office for such recordation or that it has effectively recorded its lien pursuant to the automated recordation method permitted by subdivision (b)(3).

(e) The notice of lien required to be filed under subsection (b), or any renewal thereof, shall be effective until the obligation is paid.

36-5-902. Full faith and credit to liens of other state child support agencies.--

(a) Full faith and credit shall be accorded to liens arising in any other State or territory for cases of child or spousal support enforced by the Title IV-D child support enforcement agency of the other State or territory as a result of the circumstances of § 36-5-901(a) for all overdue support, as defined in the other State or territory, when that other State or territory agency or other entity complies with the procedural rules relative to the recording or serving of liens that arise within this State.

(b) The department of human services may enforce the liens arising pursuant to this section by any means available for enforcement of its liens.

36-5-903. Rebuttable presumption as to ownership.--

(a) There shall be a rebuttable presumption concerning property which is subject to the provisions of this part, except where otherwise clearly noted by the evidence of title or otherwise, or where by law ownership of property is otherwise clearly stated, that at least one-half of all real or tangible personal property which is titled to or in the possession of the obligor is owned by the obligor who is subject to the lien provisions of this part.

(b) All jointly held accounts in any financial institution shall be rebuttably presumed to be available in whole to the obligor.

36-5-904. Enforcement of liens.--(a) In cases where there is an arrearage of child or spousal support in a Title IV-D child support case or in which a lien arises pursuant to § 36-5-901, the department is authorized, without further order of a court, to secure the assets of the obligor to satisfy the arrearage by:

(1) Intercepting or seizing periodic or lump-sum payments or benefits due the obligor:

(A) From a state or local agency;

(B) From judgments of any judicial or administrative tribunal, settlements approved by any judicial or administrative tribunal, and lottery winnings;

(2) By attaching or seizing assets of the obligor or other person or entity held in financial institutions as defined in § 36-5-910;

(3) By attaching public and private retirement funds; and

(4) By forcing the sale of the obligor's legal or equitable interest in property and by distribution of the proceeds of such sale.

36-5-905. Enforcement by administrative order of seizure.-- (a) The department may enforce the provisions of 36-5-904 for seizure or sale of assets of an obligor by the issuance of an administrative order to any person or entity which maintains the assets of the obligor or by order directing the sale of the real or personal property subject to the lien arising under § 36-5-901. The order shall direct the person or entity to hold, subject to any due process procedures provided the obligor, all assets of any kind of the obligor who is subject to the order pending the outcome of the administrative due process procedures. The order shall be based upon and issued pursuant to an existing judicial or administrative order which has previously established support under which an arrearage, due to overdue support, as defined in §36-5-901, has occurred.

(b) Upon receipt of the administrative order, whether electronically or otherwise, the person or entity which has or may have the assets of the obligor shall immediately seize, hold, and encumber such assets, as directed by the department, pending further direction from the department as to the disposition of the assets or pending any further orders of any court of competent jurisdiction. The person or entity may place such funds as it has which belong to the obligor in an escrow account for such purpose and may take any other steps deemed reasonable to preserve any real or personal property.

(c)(1) All administrative orders for seizure or sale shall be subject to and subordinate to:

(A) Any order of a United States Bankruptcy Court;

(B) An attachment or execution under any judicial process in effect at the time of the administrative seizure order, pending modification of such court's orders; or

(C) A priority under §36-5-901(c).

(2) If the assets of the obligor are subject to any such orders of the United States Bankruptcy Court, or to any attachment or execution, or a pre-existing priority, the person or entity which receives such order shall immediately notify the department at the address contained in the administrative order.

(d) Upon receipt of direction from the department that all due process procedures have been completed or were waived in any manner, and subject to the provisions of subsection (c) and subject to the priority for the department's liens as described in §36-5-901(c), the person or entity shall pay or deliver to the department, pursuant to its direction, the assets of the obligor which are held or which come into the possession or control of the person or entity and which are necessary to comply with the terms of the department's administrative order.

(e)(1) There shall be no requirement of advance judicial notice or hearing prior to the seizure of the obligor's property by administrative order, but the department of human services shall promulgate rules to provide procedures for the seizure of any property subject to the lien arising under this part and to provide post-enforcement procedures to permit the obligor to contest the seizure of any property pursuant to this part and Section 16 of this act.

(2) Such rules shall not permit the final disposition of any property seized under the lien enforcement procedures until the exhaustion of administrative and judicial remedies as provided in this part and shall make the disposition subject to the lien priorities of § 36-5-901.

(3)(A) A notice shall be sent to the obligor against whom the administrative order for seizure or sale of assets is directed by mail within five (5) days of the issuance of such administrative seizure order of the fact that such assets have been the subject of an administrative order and that they have been seized or are subject to sale and are being held, may be conveyed to the department or may be sold, subject to the right to an administrative hearing to contest the seizure or sale of such assets.

(B) The notice shall specify the sum demanded and shall contain, in the case of personal property, an account of the property actually seized and, in the case of real property, a description with reasonable certainty of the property seized. In

the case of assets in a financial institution, it shall be sufficient to notify the obligor of the seizure of any assets of the obligor which may be held by any institution to which the order is directed.

(f) A final order of seizure or sale of the obligor's property pursuant to this part shall be effective to convey and vest title in the department or in the purchaser and shall be evidence of title for all purposes. The commissioner or the commissioner's agent may convey title to personal property by certificate of title or may execute a deed conveying title to real property to the purchaser in accordance with regulations as may be prescribed by the commissioner.

(g) All persons or entities complying with any administrative order issued pursuant to this section shall be absolutely immune from any liability, civil or criminal, for compliance with the terms of such order.

6-5-906. Exemptions From Sale.--(a) Enumeration. There shall be exempt from sale of personal property subject to lien pursuant to this part:

(1) Wearing apparel and school books. Such items of wearing apparel and such school books as are necessary for the obligor or for members of the obligor's family;

(2) Fuels, Provisions, Furniture, And Personal Effects. If the obligor is the head of the family, so much of the fuel, provisions, furniture, and personal effects in the obligor's household, and of the arms for personal use, livestock, and poultry of the obligor, as does not exceed five thousand dollars (\$5,000) in value;

(3) Books And Tools Of A Trade, Business, Or Profession. So many of the books and tools necessary for the trade, business or profession of the obligor as do not exceed in the aggregate two thousand five hundred dollars (\$2,500) in value.

(b) Appraisal. The agent of the department seizing property of the type described in subsection(a) shall appraise and set aside to the owner the amount of such property declared to be exempt. If the obligor objects at the time of the seizure to the valuation fixed by the agent making the seizure, the commissioner or the commissioner's agent shall summon

three (3) disinterested individuals who shall make the valuation.

(c) No Other Property Exempt. Notwithstanding any other law of the state of Tennessee, no property or rights to property shall be exempt from levy other than the property specifically made exempt by subsection (a) of this section.

36-5-907. Release of lien.-- (a) At any time after the child support obligation has been paid, the person holding title to the property on which the lien is placed may request the department to release the lien. If the department does not release the lien within sixty (60) days of the request, it shall be liable for court costs in any action to remove the lien.

(b) The department may cause the issuance of releases of all liens or notices or seizure by filing such release with the register of deeds or any other appropriate state or local office or may supply copies of such liens to any person requesting a release for filing by that person.

(c) The release may be conveyed by any electronic means or by facsimile transmission.

§ 36-5-908. Department control; real estate and personal property.--

The commissioner or the commissioner's agent shall have charge of all real estate or personal property which is or shall become the property of the department by seizure or judgment under any provision of this or any other title, or which has been or shall be assigned, set off, or conveyed by purchase or otherwise to the department in payment of child support obligations, debts or penalties arising thereunder, or which has been or shall be vested in the department by mortgage or other security for the payment of such obligations, or which has been redeemed by the department, and of all trusts created for the use of the department in payment of such debts due the department.

36-5-909. Limitation on rights of action.--No action may be maintained against any officer or employee of the state (or former officer or employee or the officer's or employee's personal representative) with respect to any acts for which an action could be maintained under this part.

36-5-910. Definition of financial institution.-- For purposes of this part, "financial institution" shall mean:

(1) A depository institution, as defined in Section 3(c) of the Federal Deposit Insurance Act (12 U.S.C. 1813(c);

(2) An institution-affiliated party, as defined in Section 3(u) of such Act (12 U.S.C. 1813(u);

(3) Any Federal credit union or State credit union as defined in Section 101 of the Federal Credit Union Act (12 U.S.C. 1752), including an institution-affiliated party of such a credit union, as defined in Section 206 of such Act (12 U.S.C. 1786);

(4) Any benefit association, insurance company, safe deposit company, money-market mutual fund, or similar entity authorized to conduct business in this State.

36-5-911. Cooperation by state and local agencies.-- All state and local agencies shall cooperate with the department of human services to carry out the provisions of this part.

36-5-912. Enforcement procedures-- Rules and regulations for enforcement-Contracts for enforcement procedures. (a) Except where otherwise stated in this part, and to the extent not in conflict with the provisions of this part, the department shall have the same rights and duties given to the department of revenue pursuant to title 67, chapter 1, part 14 to enforce the liens established by this part against real or tangible personal property.

(b) The department shall have rulemaking authority to implement the provisions of this part and shall promulgate any rules pursuant to the Uniform Administrative Procedures Act compiled in title 4, chapter 5 which are necessary to implement any provisions of the enforcement procedures described in this part or those procedures adapted for the department's use pursuant to title 67, chapter 1, part 14 which relate to the rights and duties necessary to seize and dispose of property subject to the liens imposed in this part to the extent those rights and duties comport with this part and with state and federal laws administering the child support program established pursuant to Title IV-D of the Social Security Act.

(c) The department may contract with the department of revenue, or any other state agency or with any private contractor, to provide services related to the seizure and disposition of property subject to the liens established by this part.

SECTION 13. Title 45, Chapter 10, Part 1 of the Tennessee Code Annotated is amended by adding the following as a new, appropriately designated section:

45-10-____. (a) Notwithstanding any other provisions of any law or regulation to the contrary, a financial institution shall disclose upon request to any Title IV-D child support agency of this State or any other State or territory or the Federal government, their contractors or duly authorized agents, which are seeking to establish, modify, or enforce any child support obligation, any financial information, including, but not limited to assets and liabilities, relative to any person who is the subject of any judicial or administrative action or process which establishes, modifies or enforces child support obligations.

(b) Such access to records upon request of such entities shall include automated access to data bases containing financial information wherever agreements pursuant to Section 14 of this act have been entered between the department of human services and any financial institution.

(c) Notwithstanding the provisions of any other law or regulation to the contrary, any financial institution which discloses pursuant to this section any financial record to any Title IV-D child support agency of this State or any other State or territory or the Federal government, their contractors or duly authorized agents which are attempting to establish, modify or enforce a child support obligation shall not be liable under any law or regulation of this state to any person for such disclosure and shall be absolutely immune from any civil or criminal liability for such disclosure in response to the requirements of this section.

(d) A child support enforcement agency which obtains a financial record from a financial institution pursuant to this section or any other provision of law, may disclose such information only as permitted pursuant to the provisions of Section 10 of this act.

(e) For purposes of this section, "financial institution" shall mean:

(1) A depository institution, as defined in Section 3(c) of the Federal Deposit Insurance Act (12 U.S.C. 1813(c);

(2) An institution-affiliated party, as defined in Section 3(u) of such Act (12 U.S.C. 1813(u);

(3) Any Federal credit union or State credit union as defined in Section 101 of the Federal Credit Union Act (12 U.S.C. 1752), including an institution-affiliated party of such a credit union, as defined in Section 206 of such Act (12 U.S.C. 1786);

(4) Any benefit association, insurance company, safe deposit company, money-market mutual fund, or similar entity authorized to conduct business in this State;

(f) For purpose of this Section, "financial record" shall have the meaning given such term by Section 1101 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3401).

SECTION 14. Tennessee Code Annotated, Title 45, is amended by adding the following as a new Chapter:

45-____. Operating agreements for data match systems. (a) All financial institutions conducting business in this state shall enter agreements with the department of human services to develop and operate, in coordination with the department of human services, a data match system using automated data exchanges to the maximum extent feasible, to locate, encumber, escrow, seize or surrender the assets of any obligor who owes past-due child support. Each financial institution each calendar quarter will provide the name, record address, social security or other taxpayer identification number, and other identifying information for each obligor maintaining an account at such institution who owes past-due child support as identified by the department of human services or its agents or contractors by that person's name and social security or other taxpayer identification number.

(b) All financial institutions conducting business in this state shall enter agreements with the department of human services to encumber, escrow, seize or surrender, as the case may be, in response to a notice of lien or levy by any agency enforcing child support, the assets of any obligor whose assets held by such financial institution are subject to a child support lien pursuant to 42 U.S.C. 666(a)(4). Such agreements shall provide, wherever feasible by automated data exchange, for

the automated notice to the financial institution of any liens on such assets of the obligor and shall provide for the automated escrow, seizure or surrender of such assets pending any adjudication by the department of any encumbrance, escrow, seizure or surrender and for the automated transfer of assets to the department or its contractors or agents after completion of such adjudication, or, at the option of the financial institution and with the agreement of the department, the financial institution may furnish information for all account holders at the financial institution from which the department may determine the delinquent child support obligors.

(c) In issuing any administrative orders for the encumbrance, escrow, seizure or surrender of assets of an obligor pursuant to such agreements, the department shall direct that, for purposes of satisfying a lien, such actions involving a checking account or negotiable order withdrawal account or other demand deposit account shall apply based upon the following limits:

(1) twenty-five per cent (25%) of the amount of any account less than one thousand dollars (\$1,000); and

(2) fifty per cent (50%) of the amount in excess of one thousand dollars (\$1,000) and less than two thousand dollars (\$2,000) in any account; and

(3) one hundred per cent (100%) of the amount in excess of two thousand dollars (\$2,000) in any account.

(d) Such agreements may provide for the department of human services to pay a reasonable fee to the financial institution for providing account information and for conducting the data match provided in subsection (a), not to exceed the actual costs incurred by the financial institution.

(e) For purpose of this part, the term "financial institution" shall mean:

(1) A depository institution, as defined in Section 3(c) of the Federal Deposit Insurance Act (12 U.S.C. 1813(c);

(2) An institution-affiliated party, as defined in Section 3(u) of such Act (12 U.S.C. 1813(u);

(3) Any Federal credit union or State credit union as defined in Section 101 of the Federal Credit Union Act (12 U.S.C. 1752), including for the purposes of Sections 11 and 12 of this act an institution-affiliated party of such a credit union, as defined in Section 206 of such Act (12 U.S.C. 1786);

(4) Any benefit association, insurance company, safe deposit company, money-market mutual fund, or similar entity authorized to conduct business in this State.

(f) For purposes of this section, the term "account" shall mean a demand deposit account, checking or negotiable withdrawal order account, savings account, time deposit, or money-market mutual fund account.

45-____. Immunity for provision of financial information. A financial institution shall be absolutely immune from any civil or criminal liability under any law or regulation for the disclosure of any information pursuant to this part, for the escrow, encumbrance, seizure or surrender of any assets held by the financial institution in response to a notice of lien or levy issued by any state child support enforcement agency or its contractors or agents, or for any other action taken in good faith to comply with the requirements of this part.

SECTION 15. Tennessee Code Annotated, Title 36, Chapter 5, is amended by adding the following as a new part 12:

36-5-1201. (a) The Title IV-D child support enforcement agency of this State may, by electronic or other means, transmit to another state a request for assistance in a case involving the enforcement of support order which request shall:

(1) include such information as will enable the state to which the request is transmitted to compare the information about the case to the information in the data bases of the receiving state; and

(2) constitute certification by this state of:

(A) the amount of support under the order the payment of which is in arrears; and

(B) that the requesting state has complied with all procedural due process requirements applicable to the case.

(b) A request made by another state in a manner consistent with subsection (a) shall have the same effect as provided in subdivision (a)(2).

(c) The Title IV-D child support enforcement agency of this state shall respond within five (5) business days to a request made by another state's child support enforcement agency. "Business day" for purposes of this part shall mean a day on which state offices are open for regular business.

(d) The provision of assistance by the other state to the Title IV-D agency of this state shall not be considered a transfer of the case to the caseload of the other state, and a request by the other state for assistance under this section shall not be deemed to be a transfer of a case to the Title IV-D agency of this state.

(e) The Title IV-D child support enforcement agency of this state shall maintain records of:

(1) the number of such requests for assistance received by it;

(2) the number of cases for which this state collected in response to such requests;

(3) the amount of collected support.

SECTION 16. Tennessee Code Annotated, Title 36, Chapter 5, is amended by adding the following as a new part 10:

Section 36-5-1001. Appeals of administrative actions by the department of human services; Scope.--(a)(1) An appeal which is permitted by state or federal law or regulations for actions of the department of human services relative to Title IV-D child support services involving the following actions of the department shall be processed as provided in subsection (b) and (c) and §§ 36-5-1002 through 36-5-1006:

(A) a request for information or records, an administrative order or an administrative subpoena issued pursuant to title 36, chapter 5, part 8;

(B) an income withholding order pursuant to title 36, chapter 5, part 5;

(C) notice of enrollment of a child for health insurance coverage upon a change of employers by a party pursuant to § 36-5-101(f)(2), title 36, chapter 2, part 1 or § 37-1-151;

(D) review and adjustment of child support orders pursuant to § 36-5-103;

(E) the enforcement by administrative orders of liens for child support pursuant to title 36, chapter 5, part 9;

(F) income tax refund intercepts pursuant to 45 C.F.R. 303.72;

(G) credit information reports pursuant to Section 21 of this act, and

(H) distributions of support collections.

(b) Except as otherwise stated in subsections (c) and the following subsections, the hearings in subsection (a) shall be conducted pursuant to the provisions for contested case hearings as provided in title 4, chapter 5, part 3.

(c) The person seeking administrative review of the department's actions pursuant to subsection (a) shall file a written request with the department for an administrative hearing within fifteen (15) calendar days of the date of the notice of an administrative action pursuant to this part as defined by the department.

36-5-1002. Scope of Administrative Review.--

Notwithstanding any other law to the contrary, the scope of administrative review of the orders at the administrative hearing provided by § 36-5-1001 shall be limited to a determination of the correct identity of the person(s) or entity(ies) to whom or to which the administrative action is directed, to whether there is a mistake of fact involving the action, and, is further limited to the following specific issues set forth in the following subsections:

(a) An administrative subpoena for records or request for information or records, pursuant to title 36, chapter 5, part 8 shall be modified or overturned by the hearing officer only upon a showing by clear and convincing

evidence of arbitrary or capricious action in the issuance of the administrative subpoena or request or unless there is clear and convincing evidence that the best interests of the child or the child's caretaker would be jeopardized by the execution of the administrative subpoena or request, or that there is clear and convincing evidence that compliance with the request or administrative subpoena, would constitute a clear violation of law.

(b) Review of administrative orders for parentage tests pursuant to § 36-5-802 shall be limited to a determination of whether the department's order was arbitrary or capricious.

(c) Review of administrative orders pursuant to § 36-5-803 to redirect child support is limited to whether the case upon which the redirection order has been issued is a Title IV-D case.

(d) Review of administrative orders pursuant to § 36-5-804 to direct additional payments of child support shall be limited to a determination of whether the order is a reasonable amount which would eliminate the arrearage within a reasonable amount of time.

(e) Review of income withholding orders pursuant to § 36-5-501 is limited to:

(1) a determination of the amount of arrearage;

(2) whether the amount of payments on the arrearage, if the amount of payments were not previously ordered by the court, is reasonable as to the amount to be paid and the time over which the obligation is to be paid; and

(3) whether the withholding of income was otherwise appropriate pursuant to the conditions of § 36-5-501;

(f) Review of a notice of enrollment of a child for health insurance coverage upon a change of employers by a party pursuant to § 36-5-101(f)(2), or title 36, chapter 2, part 1 or § 37-1-151 shall be limited to a determination of the reasonableness of the cost of the insurance;

(g) Review of the adjustment of child support orders pursuant to § 36-5-103 shall be limited to a determination of the appropriate application of the methods of adjustment of the order of support pursuant to § 36-5-103 which have been utilized by the department based on the income of the parties and based upon any circumstances which should permit deviation from the amount and which is justified by the application of those methods.

(h)(1) Review of the enforcement by administrative orders of liens for child support pursuant to title 36, chapter 5, part 9 shall be limited to:

(A) the correct amount of the obligation;

(B) the extent of the obligor's interest in the assets; and

(C) whether good cause exists not to seize, sell, distribute or otherwise dispose of all or a part of such assets.

(2) Upon review pursuant to the standards of subdivision (1), the hearing officer may direct that there is a mistake as to the identity or interest of the person whose assets have been seized and dismiss the order, or may direct that all or only a portion of the assets be disposed of, or that there be some other order for the disposition of the assets of the obligor in order to satisfy the child support arrearage.

(3) The department's hearing officer or the reviewing court may grant any relief of preliminary or temporary nature relative to the obligor's assets as may be appropriate under the circumstances pending the entry of the final order.

(i) Review of income tax refund intercepts shall be conducted pursuant to the department's existing rules or as they may be further amended.

(j) Review of reports of credit status shall be limited to the extent of the amount of current support and amount of arrears to be reported to the credit bureau.

(k)(1) Administrative review of the distribution of collections shall not be conducted until such time as the party seeking redress has contacted the customer service unit in the department's state office for a conciliation process in which the customer service unit shall have thirty (30) to resolve the issues. If the issues have not been resolved within thirty (30) days of the initiation of such effort, the customer service unit shall notify the person who sought conciliation and the person shall have the right to seek administrative review pursuant to this part.

(2) Review of distribution actions of the department shall be limited to a determination of the adequacy of efforts to resolve the issues pursuant to the provisions of subdivision (1) and the amount of support which is properly credited to the appellant.

(l) The hearing officer may not forgive any support arrearages upon review of any of the department's administrative orders.

(m)(1) The record of child support as certified by the clerk of the court or as shown by the department's child support computer system shall be admissible without further foundation testimony and shall constitute a rebuttable presumption as to the amount of support which is in arrears and which is owed by the obligor in any review pursuant to this part.

(2) If submitted to the opposing party ten (10) days prior to the administrative hearing, the affidavit of a keeper or custodian of any other records, including, but not limited to, the records of any financial institution or the department of

human services or any other government or private entity, concerning any matter before the hearing officer shall be admitted by the hearing officer unless an objection thereto is submitted five (5) days prior to the hearing. If an objection is filed and is upheld by the hearing officer, the hearing officer shall continue the case to permit the taking of any further testimony which may be necessary to resolve the issues.

(3) In order to expedite the review of these matters, the hearing officer shall have discretion to take testimony of any party or witness by telephone or video or other electronic technology, and documents may, in the hearing officer's discretion, be submitted by facsimile transmission or by any other electronic technology.

36-5-1003. Judicial Review of Administrative Actions.--

(a) Notwithstanding any other law to the contrary, the judicial review of the administrative hearing decisions of the department of human services pursuant to this part shall be conducted by the court having jurisdiction of the support order as otherwise provided by § 4-5-322.

(b) If any administrative action of the department pursuant to this part is not based upon an existing order of support or paternity, the party seeking judicial review shall file the petition for review of the department's actions in the chancery court of the county of the person's residence, or the county where an entity was served with an administrative subpoena or was notified of a request for information. If the department is enforcing any order of a Title IV-D agency of any other state and there has been no assumption of jurisdiction of the support order by a Tennessee court, the petition for judicial review shall be filed in the county of the residence of the person in Tennessee against whom the request, administrative order or administrative subpoena is issued or the county where an entity was served with an administrative order, administrative subpoena or was notified of a request for information. No judicial review may result in the forgiveness of any support arrearages.

(c) The judicial review shall be limited to the review of the record of the department's hearing as otherwise provided in § 4-5-322.

36-5-1004. Non-interference with department's actions; injunctive relief.-- No person or entity who has been served with an administrative order, administrative subpoena, or request for information or records shall take any measures to defeat the administrative action of the department during the pendency of the review of such action by the administrative hearing officer or by the reviewing court, and the department or its contractor may seek injunctive relief to prevent any actions which would defeat its administrative actions.

36-5-1005. Liability for fees and costs--The individual or entity to whom or to which the administrative order, administrative subpoena or request is issued pursuant to this part and which is enforced by the reviewing court shall be liable for all costs of the court proceedings and shall be liable to the department for the cost of any private, contract or government attorney representing the state and for the time of any of its Title IV-D state office staff or contractor staff utilized in litigating the administrative order, administrative subpoena or request.

36-5-1006. Rules and Regulations.--The department shall have authority to promulgate rules and regulations pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5 to implement the provisions of this part.

SECTION 17. Tennessee Code Annotated, Section 36-5-501 is amended by deleting the section in its entirety and by substituting instead the following:

36-5-501. Income withholding. (a)(1) For any order of child support issued, modified, or enforced on or after July 1, 1994, the court shall order an immediate assignment of the obligor's income, including but not necessarily limited to: wages, salaries, commissions, bonuses, workers' compensation, disability, payments pursuant to a pension or retirement program, profit sharing, interest, annuities, and other income due or to become due to the obligor. The order of assignment shall issue regardless of whether support payments are in arrears on the effective date of the order. The court's order, shall include an amount sufficient to satisfy an accumulated arrearage, if any, within a reasonable time. The order may also include an amount to pay any medical

expenses which the obligor owing the support is obligated or ordered to pay. Withholding shall not exceed fifty percent (50%) of the employee's income after FICA, withholding taxes, and a health insurance premium which covers the child, are deducted. The order shall also include an amount necessary to cover the fee due the clerk of the court or the department, if appropriate. In the event the court does not order an immediate assignment pursuant to subdivision (2), every order shall be enforceable by income assignment as provided in this chapter.

(2) Income assignment under this subsection shall not be required:

(A) If, in cases involving the modification of support orders, upon proof by one party, there is a written finding of fact in the order of the court that there is good cause not to require immediate income assignment and the proof shows that the obligor has made timely payment of previously ordered support. "Good cause" shall only be established upon proof that the immediate income assignment would not be in the best interests of the child. The court shall, in its order, state specifically why such assignment will not be in the child's best interests; or

(B) If there is a written agreement by both parties that provides for alternative arrangements. Such agreement must be reviewed by the court and entered in the record.

(C) If the case is being enforced under Title IV-D and is subject to an assignment of support due to receipt of public assistance, the department of human services or its contractor must be notified of the request for exemption under subdivisions (2)(A) and (2)(B) and may present evidence for purposes of subdivision (2)(A), or must agree in order to permit exemption from income withholding as otherwise permitted pursuant to subdivision (2)(B).

(3) In any case, regardless of whether income withholding is ordered, in which a parent is required by a court order to provide health coverage for a child, and the parent is eligible for family health coverage through an employer doing business in the state, the clerk, or the department, by income withholding order, shall order withheld from the parent's compensation from the parent's employer the employee's

share, if any, of premiums for such health coverage and the employer shall pay such share of premiums to the insurer.

(b)(1)(A) In all cases in which the court has ordered immediate income assignment, the clerk of the court, or the department of human services or its contractor in Title IV-D cases, shall immediately issue an income assignment to an employer once the employer of an obligor has been identified.

(B) In all cases in which an immediate assignment of income has not been previously ordered, or in which an obligor who is ordered to pay child support in which an immediate income assignment was not required pursuant to subsection (a)(2) of this section, and when the obligor becomes in arrears as defined in this subdivision as reflected in the records of the clerk of court or in the records of the department of human services, then the clerk of the court, or the department of human services or its contractor in Title IV-D child support cases shall, without the necessity of an affidavit of the obligee, issue an order of income assignment to the employer of the obligor, if known, or at such time as the employer's name and whereabouts are made known to the clerk or the department or its contractor. No court order expressly authorizing an income assignment shall be required under this paragraph.

(C) The order of assignment issued the department or its contractor pursuant to subdivisions (1)(A) and (1)(B) shall include an amount sufficient to satisfy an accumulated arrearage within a reasonable time without further order of the court. The order shall also include an amount to pay any medical expenses which the obligor owing the support is obligated or ordered to pay. Withholding shall not exceed fifty percent (50%) of the employee's income after FICA, withholding taxes, and a health insurance premium which covers the child, are deducted. The order shall also include an amount necessary to cover the fee due the clerk of the court, if appropriate.

(D) In all other cases in which the child support payments were ordered to be paid directly to a parent or guardian or custodian of the child or children, and the child support payments are in arrears as defined in this subdivision, the parent, guardian or custodian may, by affidavit filed with the clerk, or, the department or its contractor in Title IV-D child support cases, request that an order of income assignment be sent by the clerk of the court, or by the department, to the employer, if known, or at such time as the

employer's name and whereabouts are made known to the clerk, the department or its contractor.

(E) The order of assignment issued by the clerk or the department or its contractor pursuant to subdivision (1)(D) shall include an amount sufficient to satisfy an accumulated arrearage within a reasonable time. The order may also include an amount to pay any medical expenses which the obligor owing the support is obligated or ordered to pay. Withholding shall not exceed fifty percent (50%) of the employee's income after FICA, withholding taxes, and a health insurance premium which covers the child, are deducted. The order shall also include an amount necessary to cover the fee due the clerk of the court, if appropriate.

(F) An income assignment pursuant to this subsection shall be mandatory even if subsequent to the issuance of the order of assignment the obligor pays the amount of arrearage in part or in full as long as current support or arrearages are still owed.

(G) For purposes of this part, "arrears" means any occasion on which the full amount of ordered support ordered for or on behalf of a minor child, or for a spouse or former spouse of the obligor with whom the child is living to the extent the spousal support would be included for the purposes of 42 U.S.C. 654A(4), is not paid by the due date for arrears as defined in § 36-5-101(a)(5) unless an income assignment is in effect and the payor of income is paying pursuant to subsection (g).

(H) Clerks of court are authorized to issue an order of income assignment to the employer of the obligor and to institute the process to assign income when the obligor fails to pay court costs, but shall not have priority over the income assignment for child support.

(2) When an order of income assignment has been issued pursuant to subdivision (b)(1)(B), the clerk, or the department in Title IV-D cases, shall send a notice to the obligor within two (2) business days of the issuance of the order of income assignment being sent to the obligor's employer. The notice must be sent to the address of the obligor, if known or to the obligor at the address of the employer of the obligor if the obligor's address is unknown.

(3) In addition to any other required or pertinent information, all notices of assignment sent to the obligor pursuant to this section shall include:

(A) The amount of money owed by the obligor, including both current support and arrears;

(B) The amount of income withholding, except where otherwise ordered by the court, which shall be applied for current support, the amount which shall be applied for arrearages and the amount to be applied for alimony. The amount withheld shall be an amount reasonably sufficient to satisfy an accumulated arrearage within a reasonable time;

(C) Notice that the obligor has the right to a hearing before the court, or, in Title IV-D cases, an administrative review by the department of human services. The administrative hearing shall be conducted pursuant to the provisions of Section 16 of this act.

(D) That the obligor must request the hearing by notifying the clerk, or the department in Title IV-D cases, within fifteen (15) days of the date of the notice, or the date of personal service, if used.

(E) The information contained in subsections (c), (d) and (e); and

(F) All information provided to the employer in subsections (f)-(l).

(c)(1) In the event the obligor requests a hearing in cases not being enforced pursuant to Title IV-D regarding the withholding as provided in subdivisions (b)(1)(B) within fifteen (15) days of the date of the notice, or the date of personal service, if used, the clerk shall promptly docket the case with the referee or court as provided by part 4 of this chapter, shall give notice to all parties, and shall take any other action as is necessary to ensure that the time limits provided in subsection (d) are met.

(2) If the withholding was issued by the department or its contractor in Title IV-D cases and the obligor requests an administrative hearing as permitted by Section 16 of this act, the department shall promptly schedule the case for a hearing, shall give notice to all parties, and shall take any other action as is necessary to ensure that the time limits provided in subsection (d) are met.

(d) In all cases in which the obligor requests a hearing or administrative review, the referee or court, or the department, shall conduct a hearing and make a determination, and the clerk or department shall notify the obligor of the decision within forty-five (45) days of the date of the order provided in subdivision (b)(1).

(e) The obligor may contest the results of the department's administrative review by requesting a judicial review as provided in Section 16 of this act.

(f) The amount to be withheld under the income assignment withheld for support may not be in excess of fifty percent (50%) of the income due after FICA, withholding taxes, and a health insurance premium which covers the child are deducted.

(g) The assignment or any subsequent modification is binding upon any employer, person or corporation, including successive employers, fourteen (14) days after mailing or other transmission or personal service of the order from the clerk of the court or the department by the order of assignment and the amount withheld must be sent to the clerk or the department, or if based upon a direct withholding from another state pursuant to the Uniform Interstate Family Support Act shall be sent to the other state as directed by that order of assignment, within seven (7) days of the date the employee is paid or the date the obligor is to be paid or the date the amount due the obligor is to be credited, and is binding until further notice. The employer, person or corporation must notify the clerk or the department or the entity in the other state to which the withheld income was to be sent of the date of termination of employment or income payments and provide the clerk or the department with the individual's last known address and name and address of the new employer or source of income, if known.

(h) It is unlawful for an employer to use the assignment as a basis for discharge or any disciplinary action against the employee. Compliance by an employer, other person, institution or corporation with the order shall operate as a discharge of the liability of such employer, other person, institution or corporation to the affected individual as to that portion of the income so affected. If the employer, other person, institution or corporation fails to comply with the notice, such employer, other person, institution or corporation is liable for any amounts up to the accumulated amount which should have been withheld. An employer shall be subject to a fine for a Class C misdemeanor if the income assignment is

used as a basis to refuse to employ a person or to discharge the obligor/employee or for any disciplinary action against the obligor/employee or if the employer fails to withhold from the obligor's income or to pay such amounts to the clerk or to the department as may be directed by the withholding order.

(i)(1) An assignment under this section shall take priority over any other assignment or garnishment of wages, as described in title 26, chapter 2, or salary, commissions or other income, except those deductions made mandatory by law or hereafter made mandatory.

(2)(A) If the employer, person, corporation or institution receives more than one (1) order of income assignment against an individual, he must comply by giving first priority to all orders for amounts due for current support due a child, second to all orders for amounts due for arrearages due a child, third to all orders for amounts due for current support due a spouse, and fourth to all orders for amounts due for arrearages due a spouse, and must honor all withholdings to the extent the total amount withheld from wages does not exceed fifty percent (50%) of the employee's wages after FICA and withholding taxes and a health insurance premium which covers the child are deducted.

(B) Any employer, person or entity receiving an order for income withholding from another state or territory shall apply the income withholding law of the state of the obligor's principal place of employment in determining:

(i) the employer's fee for processing an income withholding order;

(ii) the maximum amount permitted to be withheld from the obligor's income;

(iii) the time periods within which the employer must implement the income withholding order and forward the child support payment;

(iv) the priorities for withholding and allocating income withheld for multiple child support obligees; and

(v) any withholding terms and conditions not specified in the order.

(C) The "principal place of employment" for an obligor who is employed in this state and for whom an income withholding order has been received in this state from another state or territory shall be deemed to be this state, and the provisions set forth in the requirements of this section regarding income withholding shall apply to the determinations made in (B)(i)-(v).

(3)(A) If any employer, person, or other entity receives any income assignment for current support against an individual which would cause the deduction from any two (2) or more assignments for current support to exceed fifty percent (50%) of the individual's income after FICA, withholding taxes, and a health insurance premium which covers the child are deducted, then the allocation of all current support ordered withheld by all income assignments they receive against that individual shall be determined by the employer, person, or entity as follows:

(i) The employer, person, or other entity shall determine the total dollar amount of the assignments for current support it has received involving the obligor to whom it owes any wages, salaries, commissions, bonuses, workers' compensation, disability, payments pursuant to a pension or retirement program, profit sharing, interest, annuities, and other income due or to become due to the obligor;

(ii) Each individual assignment shall then be calculated as a percentage of the total obtained pursuant to subdivision (i)(3)(A)(i);

(iii) The employer, person, or entity shall then allocate the available income of the obligor, subject to the limits described above, based on the percentage computation pursuant to subdivision (i)(3)(A)(ii) and shall, as directed by the order of income assignment, pay the amounts withheld from the obligor's income, to the clerk or clerks, or to the department, its contractor, or other entity or Title IV-D child support agency in any other state which issued such order.

(B) In the event all current support obligations are met from the assignments and support arrearages exist in more than one (1) case and there is not sufficient income to pay all ordered support arrearage, then the support arrearages shall be allocated on the same basis as set forth in subdivision (i)(3)(A).

(C) The obligor shall be responsible for seeking any modifications to the existing orders for support.

(4) An employer, person, corporation or institution may make one (1) payment to the clerk of the court, the department its contractor or other entity in another state so long as the employer separately identifies the portion of the single payment attributable to each individual obligor parent, and, if amounts are included which represent withholdings for more than one (1) pay period, so long as the amounts representing each pay period are separately identified.

(j) "Employer, person, corporation or institution," as used in this section, includes the federal government, the state and any political subdivision thereof and any other business entity which has in its control funds due to be paid to a person who is obligated to pay child support.

(k) Any employer, person, corporation or institution which is ordered to pay an income assignment on behalf of an individual may charge the obligor parent an amount of up to five percent (5%) not to exceed five dollars (\$5.00) per month for such service.

(l) The notices and orders required to be issued pursuant to this section shall be transmitted to any party or person by any method chosen by the court or the department, including but not limited to: certified mail, return receipt requested, regular mail, electronic mail, facsimile transmission, or by personal service, and may be generated by computer or on paper. If a notice or order is returned or otherwise not deliverable, then service shall be had by any alternative method chosen by the court or the department, as listed in this subsection. Before taking action against an employer or other payor for failure to comply with this part, the court or department shall ensure that service of the notice was made by certified mail or by personal service. Electronically reproduced signatures shall be effective to issue any orders or notices pursuant to this section.

(m) There shall be no litigation tax imposed on proceedings pursuant to this part.

(n)(1)The department of human services shall have authority to establish mandatory rules, forms, and any necessary standards and procedures to implement income assignments which shall be used by all the courts and by the department pursuant to this part. The department of human services may implement the use of such forms at any time following passage of this act by public necessity rule following approval by the attorney general and reporter. Permanent rules implementing the forms shall be promulgated pursuant to the rulemaking provisions of the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(2) At the time of filing a notice of rulemaking for permanent rules pursuant to this subsection, the rules shall be sent by the department for review by an advisory group composed of two (2) representatives of the state court clerks' conference appointed by the president of the state court clerks' association, two (2) representatives of the judges of courts which have child support responsibilities who will be appointed by the chief justice of the supreme court, a representative of the administrative office of the courts, and two (2) representatives of the department of human services designated by the commissioner.

SECTION 18. Tennessee Code Annotated, Section 36-5-502 is repealed.

SECTION 19. Tennessee Code Annotated, Section 36-5-101 is amended by deleting subdivision (a)(4)(B) in its entirety and by substituting instead the following:

(B)(i) Each individual who is a party to any action pursuant to this part in which the paternity of a child is determined or support is ordered, enforced or modified for a child shall be required, and the court shall order the party to file with the court upon entry of an order by the court, and, if the case is a Title IV-D child support case, to file with the local Title IV-D child support office, and to update with each, as appropriate, the party's:

(I) Change in name;

(II) Social security number;

(III) Residential and mailing addresses;

(IV) Home telephone numbers;

(V) Driver's license number;

(VI) The name, address, and telephone number of the person's employer; and,

(VII) The availability and cost of health insurance for the child.

(ii) Any update must be made within twenty (20) days of the date of a change in circumstances of the person and the order shall give notice of this requirement.

(iii) In any subsequent child support enforcement action, the delivery of written notice as required by Tennessee Rule of Civil Procedure 5 to the most recent residential or employer address shown in the court's records or the Title IV-D agency's records as required in (B)(i) shall be deemed to satisfy due process requirements for notice and service of process with respect to that party if there is a sufficient showing that a diligent effort has been made to ascertain the location and whereabouts of the party.

(iv) Upon motion of either party, upon a showing of domestic violence or the threat of such violence, the court may enter an order to withhold from public access the address, telephone number, and location of the alleged victim(s) or threatened victims of such circumstances. The clerk of the court shall withhold such information based upon the court's specific order.

SECTION 20. Tennessee Code Annotated, Section 37-1-151(b) is amended by deleting subdivision (b)(4)(C) in its entirety and by substituting instead the following:

(C) Each individual who is a party to any action pursuant to this part in which support is ordered, enforced or modified for a child shall be required, and the court shall order the party to file with the court upon entry of an order by the court, and, if the case is a Title IV-D child support case, to file with the local Title IV-D child support office, and to update with each, as appropriate, the party's:

(i) Change in name;

(ii) Social security number;

(iii) Residential and mailing addresses;

(iv) Home telephone numbers;

(v) Driver's license number;

(vi) The name, address, and telephone number of the person's employer; and

(vii) The availability and cost of health insurance for the child.

(D) Any update pursuant to subdivision (4)(C) must be made within twenty (20) days of the date of a change in circumstances of the person and the order shall give notice of this requirement.

(E) In any subsequent child support enforcement action, the delivery of written notice as required by Tennessee Rule of Civil Procedure 5 to the most recent residential or employer address shown in the court's records or the Title IV-D agency's records as required in subdivision (4)(C) shall be deemed to satisfy due process requirements for notice and service of process with respect to that party if there is a sufficient showing that a diligent effort has been made to ascertain the location and whereabouts of the party.

(F) Upon motion of either party, upon a showing of domestic violence or the threat of such violence, the court may enter an order to withhold from public access the address, telephone number, and location of the alleged victim(s) or threatened victims of such circumstances. The clerk of the court shall withhold such information based upon the court's specific order.

SECTION 21. Tennessee Code Annotated, Section 36-5-106, is amended by deleting the Section in its entirety and by substituting instead the following language:

(a) The department of human services or any of its Title IV-D child support contractors shall report periodically to consumer reporting agencies (as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)), the name of any noncustodial parent, of which the department or its Title IV-D contractors has a record, who is either current in payments of support or who is delinquent in the payment of support and the amount of the current obligation or delinquent support owed by such parent. Such information shall only be furnished to an entity which furnishes evidence to the department of human services that it meets the requirements to be defined as a

consumer reporting agency pursuant to the Fair Credit Reporting Act.

(b) For purposes of this section, "delinquent" shall mean any occasion on which the full amount of ordered support ordered for or on behalf of a minor child, or for a spouse or former spouse of the obligor with whom the child is living to the extent the spousal support would be included for the purposes of 42 U.S.C. 654A(4), is not paid by the due date for arrears as defined in § 36-5-101(a)(5) unless an income assignment is in effect and the payor of income is paying pursuant to § 36-5-501(g).

(c) Reports of delinquent support shall be made only after the noncustodial parent has been notified of the intended action at the last record address required by Sections 11, 19, 20 and 72 of this act or such other address as may be known to the department, and the noncustodial parent is afforded an opportunity for an administrative hearing before the department to contest the accuracy of such information. The noncustodial parent shall file a written request for appeal of the intended actions as provided by Section 16 of this act.

SECTION 22. Tennessee Code Annotated, Section 36-5-101(f) is amended by designating the current language as subdivision (1) and by adding the following new subdivisions:

(2) In any case in which the court enters an order of support in a case enforced under Title IV-D of the Social Security Act, the court shall enter an order providing for health care coverage to be provided for the child or children.

(3)(A) When, pursuant to subdivision (2), the party ordered to pay health care coverage changes employment and the new employer provides health care coverage, the department of human services shall transfer notice of such provision to the new employer and to the party. This notice shall operate to enroll the child in the health care plan of the party ordered to pay child support except as provided in subdivision (3)(B).

(B) The notice to the party shall contain a statement of the right to contest the notice as provided by Section 16 of this act and enrollment of the child in the employer's health plan and the procedure for filing an administrative appeal with the department of human services. The notice shall direct the party to file with the employer a copy of the appeal request within fifteen (15) days of the date of mailing of the notice as recorded in the records of the department. Upon such timely

filing with the employer and the timely filing of an administrative appeal with the department, the insurance coverage for the child shall not become effective until the determination of the administrative appeal by the department.

SECTION 23. Tennessee Code Annotated, Title 36, Chapter 2, Part 1 is amended by adding the following as a new section:

(a) In any case in which the court enters an order of support in a case enforced under Title IV-D of the Social Security Act, the court shall enter an order providing for health care coverage to be provided for the child or children.

(b) When the party ordered to pay health care coverage changes employment and the new employer provides health care coverage, the department of human services shall transfer notice of such provision to the new employer and to the party. This notice shall operate to enroll the child in the health care plan of the party ordered to pay child support except as provided in subsection (c).

(c) The notice to the party shall contain a statement of the right to contest the notice as provided by Section 16 of this act and enrollment of the child in the employer's health plan and the procedure for filing an administrative appeal with the department of human services. The notice shall direct the party to file with the employer a copy of the appeal request within fifteen (15) days of the date of mailing of the notice as recorded in the records of the court or the department. Upon such timely filing with the employer and the timely filing of an administrative appeal with the department, the insurance coverage for the child shall not become effective until the determination of the administrative appeal by the department.

SECTION 24. Tennessee Code Annotated, Section 37-1-151(b) is amended by adding the following as new subdivision (4)(G):

(G)(i) When a party ordered to pay health care coverage in cases being enforced under Title IV-D of the Social Security Act changes employment and the new employer provides health care coverage, the department of human services shall transfer notice of such provision to the new employer and to the party. This notice shall operate to enroll the child in the health care plan of the party ordered to pay child support except as provided in subdivision (4)(G)(ii).

(ii) The notice to the party shall contain a statement of the right to contest the notice as provided in Section 16 of this act and enrollment of the child in the employer's health plan and the procedure for filing an administrative appeal with the department of human services. The notice shall direct the party to file with the employer a copy of the appeal request within fifteen (15) days of the date of mailing of the notice as recorded in the records of the court or the department. Upon such timely filing with the employer and the timely filing of an administrative appeal with the department, the insurance coverage for the child shall not become effective until the determination of the administrative appeal by the department.

SECTION 25. Tennessee Code Annotated, Section 36-5-101 is amended by deleting subsection (o) in its entirety and by substituting instead the following language:

(o)(1) In enforcing any provision of child support, if an obligee, or the department or its contractor in Title IV-D cases, specifically prays for revocation of a license because an obligor is alleged to be in noncompliance with an order of support, or if the court determines on its own motion or on motion of a party that any individual party has failed to comply with a subpoena or a warrant in connection with the establishment or enforcement of an order of support, the court may find specifically in its order that the obligor is not in compliance with an order of support as defined by part 7 of this chapter, or it may find that an individual party has failed to comply with a subpoena or warrant in connection with the establishment or enforcement of an order of support, and may direct that any or all of the obligor's or individual party's licenses be subject to revocation, denial or suspension by the appropriate licensing authority pursuant to part 7 of this chapter. The court shall direct the clerk to send a copy of that order to the department of human services to be sent by the department to each licensing authority specified in the order for processing and suspension, denial or revocation pursuant to § 36-5-706 and any other applicable provisions of part 7 of this chapter. Costs related to such order shall be taxed to the obligor or individual party.

(2) If the obligor whose license has been subject to the provisions of subdivision (1) complies with the order of support, or if the individual party complies with the subpoena or warrant, the court shall enter an order making such a finding and the clerk shall send an order immediately to the department of human services to be transmitted to each licensing authority specified in the order which shall then immediately issue, renew or reinstate the obligor's or individual

party's license in accordance with the provisions of § 36-5-707. Costs related to such order shall be taxed to the obligor or individual party as the case may be and shall be paid by the obligor or the individual party prior to sending the order to the department of human services for transmission to the licensing authority.

(3) The department of human services shall provide available information to the obligee or party or the court in actions under this subsection concerning the name and address of the licensing authority or authorities of the obligor or individual party in order to enable the enforcement of the provisions of this subsection. The obligee or individual party, as the case may be, seeking such information shall pay a fee as established by the department for the provision of such service. These fees may be taxed as costs to the obligor whose license has been revoked pursuant to this subsection or to the individual party who has failed to comply with the warrant or subpoena.

(4) If the licensing authority fails to take appropriate action pursuant to the orders of the court under this subsection, the party may seek a further order from the court to direct the licensing authority to take such action and the party may seek any appropriate court sanctions against the licensing authority.

(5) For purposes of this subsection, the term "individual party" means a party to the support action who is a person, but does not include a governmental agency or the contractor or agent of such governmental agency which is enforcing an order of support. The term "party" may include, where the context requires, an individual person or it may include a governmental agency or contractor or agent of such governmental agency.

SECTION 26. Tennessee Code Annotated, Title 36, Chapter 2, Part 1 is amended by adding the following as a new, appropriately designated section:

In establishing paternity or enforcing any provision of child support, if the party seeking to establish paternity or to enforce an order of support specifically prays for revocation of a license, or if the court determines on its own motion or on motion of the party seeking to establish paternity or seeking to enforce an order of support that an individual party has failed to comply with a subpoena or a warrant in connection with the establishment of paternity or enforcement of an order of support, the court may invoke the provisions of § 36-5-101(o).

SECTION 27. Tennessee Code Annotated, Section 37-1-151 is amended by adding the following as a new, appropriately designated subsection:

() In establishing or enforcing any provision of child support, if the party seeking to establish or to enforce an order of support specifically prays for revocation of a license, or if the court determines on its own motion or on motion of the party seeking to establish or seeking to enforce an order of support that an individual party has failed to comply with a subpoena or a warrant in connection with the establishment or enforcement of an order of support, the court may invoke the provisions of § 36-5-101(o).

SECTION 28. Tennessee Code Annotated, Section 36-5-103 is amended by adding the following as a new subsection:

() (1)(A) Upon the request of either parent, or, if there is an assignment of benefits under title 71, chapter 3, part 1, upon request of the department of human services or either parent, any order subject to enforcement pursuant to Title IV-D of the Social Security Act by any court under this Title or Title 37 shall be reviewed at least every three (3) years, and, if necessary, adjusted in accordance with the guidelines established pursuant to § 36-5-101(e) if the amount of the child support order in the existing order differs from the amount that would be awarded in accordance with the guidelines. No substantial change in circumstances of the parties is necessary to conduct a review pursuant to this subdivision.

(B) The review and the adjustment in subdivision (1)(A) may be conducted by the court, or by the department of human services by the issuance of an administrative order by the department or its contractors.

(2) As an alternative to the method described in subdivision (1) for review and adjustment, the child support order may be reviewed, and the order may be adjusted by an administrative order issued by the department or its contractors by:

(A) Applying a cost-of-living adjustment to the order in accordance with a formula developed by the department; or

(B) Using automated methods, including automated comparisons with wage data to identify orders eligible for review, conduct the review, identify orders eligible for adjustment, and apply the appropriate adjustment to the orders eligible for adjustment based upon a threshold developed by the department.

(C) The methods of adjustment of orders in subdivisions (2)(A) and (2)(B) shall be incorporated in the department's rules.

(3) The requirement for review and adjustment may be delayed if the best interest of the child require. Such interest would include the threat of physical or emotional harm to the child if the review and adjustment were to occur or the threat of severe physical or emotional harm to the child's custodial parent or caretaker.

(4) A copy of an administrative order of adjustment of the child support order shall be sent to the clerk of the court which has jurisdiction of the child support order which has been administratively adjusted and it shall be filed in the court record. A copy of the order shall be sent to the obligor and the obligee by the department.

(5) If an order of support is adjusted by administrative order pursuant to this section, the obligor and obligee shall have a right to administratively appeal the adjustment by requesting the appeal as provided in Section 16 of this act.

(6) Notwithstanding the provisions of § 36-5-101(a)(1) permitting a change in a child support order based only upon a significant variance as established by the child support guidelines, if there has been a substantial change of circumstances demonstrated by the requesting party within the three (3) year period in a case being enforced pursuant to Title IV-D of the Social Security Act, the case shall be reviewed, and adjusted, if appropriate, in accordance with the guidelines pursuant to § 36-5-101(e).

(6) Notice of the right to request a review, and, if appropriate, adjust the child support order shall be sent to the obligor and the obligee by the department at least every three (3) years for a child subject to an order being enforced pursuant to Title IV-D of the Social Security Act. The notice may be included in the order.

(7) The department shall have rulemaking authority to implement the provisions of this subsection pursuant to the provisions of the Uniform Administrative Procedures Act compiled in title 4, chapter 5.

SECTION 29. Tennessee Code Annotated, Title 36, Chapter 5 is amended by adding the following as a new part:

36-5-1301. Inclusion of social security numbers on certain licenses. Notwithstanding any other provision of the law to the contrary, all applications for professional licenses, commercial driver's licenses, occupational licenses, or marriage licenses issued by any agency or any political subdivision of the state of Tennessee on and after the effective date of this act shall contain the social security number of each applicant.

36-5-1302. Inclusion of social security numbers on certain documents. Notwithstanding any other provision of the law to the contrary, all divorce decrees, orders of support issued by any court, any order of paternity or legitimation, or any voluntary acknowledgment of paternity shall contain the social security number of any individual, if available, who is the subject of such decree, order or acknowledgment.

SECTION 30. Tennessee Code Annotated, Section 36-1-116(b) is amended by deleting the subdivision (1) in its entirety and by substituting instead the following:

(1) The full names and social security numbers of the petitioners.

SECTION 31. Tennessee Code Annotated, Section 36-1-120(a)(2) is amended by adding the words "and social security numbers" after the word "names".

SECTION 32. Tennessee Code Annotated, Section 36-1-120(f) is amended by adding the words "and social security number" after the word "name" in subdivisions (2)(E) and (2)(F).

SECTION 33. Tennessee Code Annotated, Section 36-3-104 is amended by adding the words "and social security numbers" immediately after the words "ages, addresses" in the first sentence.

SECTION 34. Tennessee Code Annotated, Section 36-4-106(b)(1) is amended by adding the words "and the social security numbers of the parties and all children born of the marriage" after the words and punctuation "filing of the complaint," in the first sentence.

SECTION 35. Tennessee Code Annotated, Section 68-3-401 is amended by adding the following language at the end of subsection (b):

The form for a certificate of marriage shall contain a place for the recording of the married persons' social security numbers and such numbers shall be recorded on the certificate and on any forms necessary to prepare such certificate. Such information shall be provided in the record submitted to the office of vital records by the county clerk.

SECTION 36. Tennessee Code Annotated, Section 68-3-402 is amended by adding the following language at the end of subsection (b):

The form for a certificate of divorce shall contain a place for the recording of the divorced persons' social security numbers and such numbers shall be recorded on the certificate and any forms necessary to prepare such certificate. Such information shall be provided in the record submitted to the office of vital records by the court clerk.

SECTION 37. Tennessee Code Annotated, Section 68-3-502 is amended by adding the following as a new subsection:

() The form for a certificate of death shall contain a place for the recording of the deceased's social security number and such number shall be recorded on the certificate and on any forms necessary to prepare such certificate.

SECTION 38. Tennessee Code Annotated, Section 24-7-118 is amended by deleting the Section in its entirety and by substituting instead the following language:

(a) A voluntary acknowledgment of paternity which is completed under the provisions of §§ 68-3-203(g), 68-3-302, or 68-3-305(b) or under similar provisions of another state or government shall constitute a legal finding of paternity on the individual named as the father of the child in the acknowledgment, subject to rescission as provided in subsection (c). The acknowledgment, unless rescinded pursuant to subsection (c), shall be conclusive of that father's paternity without further order of the court.

(b)(1) A voluntary acknowledgment of paternity which is completed under the provisions of §§ 68-3-203(g), 68-3-302, or 68-3-305(b), or under similar provisions of another state or government, when certified by the state registrar or other governmental entity maintaining the record of the acknowledgment, or the duplicate original of the voluntary acknowledgment completed pursuant to § 68-3-302(e), shall be a basis for establishing a support order without requiring any further proceedings to establish paternity.

(2) An acknowledgment of paternity executed as described in subdivision (1) shall be entitled to full faith and credit in any judicial or administrative proceeding in this state.

(3) No judicial or administrative proceedings are required, nor shall any such proceedings be permitted, to ratify an unchallenged acknowledgment of paternity in order to create the conclusive status of the acknowledgment of paternity.

(c) A signatory to a voluntary acknowledgment shall be permitted to rescind the voluntary acknowledgment at the earlier of:

(1) The completion and submission of a sworn statement refuting the named father on a form provided by the state registrar. This form must be filed in the office of vital records of the department of health together with the fee required by the registrar within sixty (60) days of the date of completion of the acknowledgment; or

(2) Within the sixty (60) day period following completion of the acknowledgment, at any judicial or administrative proceeding during that period at which the signatory is a party and which proceeding relates to the child, by completion of the form described in subdivision (1) or by the entry of an order by the administrative or judicial tribunal which directs the rescission of such acknowledgment.

(3) The registrar may impose a fee for the filing of the rescission of the voluntary acknowledgment in subdivision (1) and the registrar shall send a copy of the rescinded acknowledgment to the other signatory of the original acknowledgment. Any fee for filing a rescission of a voluntary acknowledgment based upon fraud shall be assessed by the court against the person found to be the perpetrator of the fraud.

(d) If at any time during the hearing described in (c)(2), the court or administrative judge or hearing officer has reasonable cause to believe that a signatory of the acknowledgment is or was unable to understand the effects of executing such acknowledgment, the court or referee shall explain orally to the individual the effects of the execution of the acknowledgment and the right to rescind the voluntary acknowledgment pursuant to subsection (c) and the right to parentage tests to determine paternity pursuant to the provisions of § 24-7-112 in any proceeding relative to the issue of paternity of the child.

(e)(1) If the voluntary acknowledgment has not been rescinded pursuant to subsection (c), the acknowledgment may only be challenged on the basis of fraud, whether extrinsic or intrinsic, duress, or material mistake of fact.

(2) The challenger must institute the proceeding upon notice to the other signatory and other necessary parties including the Title IV-D agency within five (5) years of the execution of the acknowledgment, and if the court finds based upon the evidence presented at the hearing that there is substantial likelihood that fraud, duress, or a material mistake of fact existed in the execution of the acknowledgment of paternity, then, and only then, the court shall order parentage tests. Such action shall not be barred by the five (5) year statute of limitations where fraud in the procurement of the acknowledgment by the mother of the child is alleged and where the requested relief will not affect the interests of the child, the state, or any Title IV-D agency. Nothing herein shall preclude the challenger from presenting any other form of evidence as a substitute for the parentage tests if it is not possible to conduct such tests.

(3) The test results certified under oath by an authorized representative of an accredited laboratory shall be filed with the court and shall be admissible on the issue of paternity pursuant to § 24-7-112(b). If the acknowledged father is found to be excluded by the tests, the action shall be dismissed or the acknowledgment of paternity shall be rescinded.

(4) The burden of proof in any such proceeding shall be upon the challenger.

(5) During the pendency of the hearing under this subsection and any appeal from such hearing, the legal responsibilities of the signatory, including any child support obligations, may not be suspended, except for good cause shown.

(f) The state of Tennessee, its officers, employees, agents or contractors, or any Title IV-D child support enforcement agency shall not be liable in any case to compensate any person for repayment of child support paid or for any other costs as a result of the rescission of any voluntary acknowledgment or the rescission of any orders of legitimation, paternity, or support entered under this section.

(g)(1) The rescission of an acknowledgment of paternity or entry of any order rescinding any acknowledgment of paternity pursuant to subsection (c) shall not preclude the initiation of a paternity action against the signatory who is the alleged putative father, or by a putative father against a mother to establish his paternity, nor shall it preclude the initiation of a paternity action against another putative father.

(2) If, however, the voluntary acknowledgment is rescinded by order of the court based upon tests conducted pursuant to subsection (e) which excluded a person as parent, no further action may be initiated against such excluded person.

(h)(1) The original of the form rescinding the voluntary acknowledgment of paternity or a certified copy of any order rescinding a voluntary acknowledgment of paternity or a prior order of legitimation or paternity shall be sent by the person rescinding it or, as the case may be, by the clerk to the state registrar at the office of vital records of the department of health.

(2) Upon receipt of the form rescinding the acknowledgment which was executed and filed with the registrar within the sixty (60) day period or upon receipt of the order which shows on its face that the voluntary acknowledgment has been rescinded at the hearing which is held no later than the sixtieth (60th) day following the completion of the voluntary acknowledgment, or upon receipt of a certified court order with a finding shown clearly in the court order that the voluntary acknowledgment of paternity was rescinded due to fraud, either intrinsic or extrinsic, duress or material mistake of fact, the registrar shall make the appropriate amendments to the birth certificate of the child who was the subject of the order.

SECTION 39. Tennessee Code Annotated, Section 68-3-302(d) is amended by deleting subdivision (1) in its entirety and by substituting instead the following new subdivision (1):

(1) Written and oral information concerning the alternatives to, the legal consequences of, the rights, and the responsibilities arising from the completion of the voluntary acknowledgment. Such information shall be provided to the birthing institution by the department of human services which shall develop such information in conjunction with the department of health. A videotaped or audio presentation will satisfy the requirement for the oral explanation.

SECTION 40. Tennessee Code Annotated, Section 68-3-302(e) is amended by deleting the first sentence and by substituting instead the following:

The birthing institution shall forward the original, signed acknowledgment of paternity to the office of vital records, and shall send a copy to the Title IV-D child support agency where the mother resides if the mother or child is receiving temporary assistance, Medicaid/TennCare, or any successor programs.

SECTION 41. Tennessee Code Annotated, Section 68-3-302 is amended by adding the following new subsection (g):

(g) Voluntary paternity establishment services through hospitals and the department of health shall be offered in accordance with Federal regulations as may be prescribed by the Secretary of the United States Department of Health and Human Services.

SECTION 42. Tennessee Code Annotated, Section 68-3-203 is amended by adding the following new subsection (h):

(h) In the event a voluntary acknowledgment of paternity is rescinded and a new father is not named, the name and personal information of the originally named father shall be removed by blocking, and the child's surname shall be blocked and the legal surname of the mother at the time of the birth shall be entered as the surname of the child. In the event a voluntary acknowledgment of paternity is rescinded and a new father is named, the changes in the birth certificate shall be made in accordance with § 68-3-203(g).

SECTION 43. Tennessee Code Annotated, Section 68-3-305(b) is amended by deleting subdivision (2)(B) in its entirety and by substituting instead the following:

(B) The acknowledgment form shall be in the form of an affidavit, shall contain the social security numbers of the mother and father of the child and shall be approved by the state registrar and the department of human services. The state registrar and the department of human services shall modify the form to comply with the minimum regulations for such form which are finalized by the Secretary of the United States Department of Health and Human Services. An acknowledgment executed in conformity with this section shall be valid as long as it is executed on a form approved by the state registrar and the department of human services.

SECTION 44. Tennessee Code Annotated, Section 36-5-101(n) is amended by designating the current language as subdivision (1) and by adding the following new subdivision:

(2) The state of Tennessee, its officers, employees, agents or contractors, or any Title IV-D child support enforcement agency shall not be liable in any case to compensate any person for repayment of child support paid or for any other costs as a result of the rescission pursuant to § 24-7-118 of any voluntary acknowledgment or the rescission of any orders of legitimation, paternity, or support.

SECTION 45. Tennessee Code Annotated, Section 68-3-305(b) is amended by adding the following language to the end of subdivision (2)(B):

An acknowledgment may be completed by a minor.

SECTION 46. Tennessee Code Annotated, Section 24-7-112 is amended by deleting subsection (a) in its entirety and by substituting instead the following:

(a)(1)(A) In any contested paternity case, unless the individual is found to have good cause under Section 454(29) of the Social Security Act (42 U.S.C. 654(29)), the court, or the department of human services in Title IV-D child support cases, shall order the parties and the child to submit to genetic tests to determine the child's parentage upon the request of any party if the request is supported by an affidavit of the party making the request:

(i) Alleging paternity, and setting forth facts establishing a reasonable possibility of the requisite sexual contact between the parties; or

(ii) Denying paternity, and setting forth facts establishing a reasonable possibility of the nonexistence of sexual contact between the parties.

(B) In addition, upon the court's own motion, at such times as it deems equitable, or by administrative order by the department of human services in Title IV-D child support cases, tests and comparisons pursuant to this section shall be ordered.

(2) During any other civil or criminal proceeding in which the question of parentage arises, upon the motion of either party or on the court's own motion, the court shall at such time as it deems equitable order all necessary parties to submit to any tests and comparisons which have been developed and adapted for purposes of establishing or disproving parentage.

(3) In any civil or criminal proceedings pursuant to this section, the tests ordered shall be conducted by an accredited laboratory. In the case of genetic tests, and at such time as the Secretary of the United States Department of Health and Human Services designates accreditation entities which acknowledge the reliability of types of genetic tests used in the establishment of paternity, such genetic tests shall be of the type which are generally acknowledged as reliable by accreditation entities designated by the Secretary and the genetic tests shall be performed by a laboratory approved by such a designated accreditation entity.

(4) The results of such tests and comparisons which are ordered pursuant to this section, including the statistical likelihood of the alleged parent's parentage, if available, may be admitted into evidence as provided in subsection (b).

SECTION 47. (a) Tennessee Code Annotated, Section 24-7-112(b) is amended by deleting the introductory language immediately following subsection (b), and further by deleting subdivision (1) in its entirety and by substituting instead the following:

(b)(1)(A) Upon receiving the results of the tests and comparisons conducted pursuant to subsection (a), either party may request an additional parentage test upon the advanced payment of the costs of the additional parentage test or the department of human services may request an additional test.

(B)(i) If the results of the second test also exclude paternity, or if no second test is requested, this shall be conclusive evidence of non-paternity and the action shall be dismissed.

(ii) If the results of the second test again establish a statistical probability of parentage as described in subdivision (2)(B), the positive test results shall be definitive for purposes of the application of the appropriate evidentiary standards in subdivision (2).

(iii) If the results of the second test are different from the first test in their outcome relative to the exclusion or establishment of paternity, the court, or the department in appropriate cases, may order a third test, or the court may make a determination between the accuracy of the previous two (2) tests for purposes of determining paternity.

(C) The results of any tests which may exclude a person as the father shall not preclude the initiation of a new paternity action involving another putative father or by a putative father against a mother to establish his paternity.

(b) Tennessee Code Annotated, Section 24-7-112(b) is further amended by deleting the word "blood" in subdivision (2)(C) and by substituting instead the language "paternity test".

SECTION 48. Tennessee Code Annotated, Section 36-5-103 is amended by adding the following as a new subsection:

() Judgments for child support payments for each child subject to the order for child support pursuant to this part shall be enforceable without limitation as to time.

SECTION 49. Tennessee Code Annotated, Title 36, Chapter 2, Part 1 is amended by adding the following new section:

36-2-____. Judgments for child support payments for each child subject to the order for child support pursuant to this part shall be enforceable without limitation as to time.

SECTION 50. Tennessee Code Annotated, Section 37-1-151 is amended by adding the following new subsection:

() Judgments for child support payments for each child subject to the order for child support pursuant to this part shall be enforceable without limitation as to time.

SECTION 51. Tennessee Code Annotated, Title 36, Chapter 5, Part 1 is amended by adding the following as a new, appropriately designated Section:

36-5-1____. Plans for payment of child support; work requirements.-- (a)(1) In any case in which a child is receiving assistance under a state program funded under Title IV-A of the Social Security Act, including, but not limited to, Aid to Families with Dependent Children (AFDC), or temporary assistance as provided under Title 71, and the payment of support for such child is past-due, then, upon motion of the department of human services or its contractors, the court may order that an individual who owes past-due support to such a child to pay the past-due support in accordance with a plan for payment of all past-due support.

(2) The plan shall require the obligor to pay the past-due amount in full or by monthly installments which are calculated to reduce the past-due amount by a reasonable payment over a reasonable period of time. The court or the department may enforce the plan with any remedies available for the collection or enforcement of current support.

(b) The court may also order the individual who is not incapacitated and who is subject to a plan requiring payment of the past-due support for a child receiving assistance under a state program funded under Title IV-A of the Social Security Act, including, but not limited to, temporary assistance as provided under Title 71 or Aid to Families with Dependent Children (AFDC), to engage in work activities as required under § 71-3-154.

(c) For purposes of this section, the term "past-due" support shall be defined as any occasion on which the full amount of support ordered for or on behalf of a minor child, or for a spouse or former spouse of the obligor with whom the child is living to the extent the spousal support would be included for the purposes of 42 U.S.C. 654(4), is not paid by the due date for arrears as defined in § 36-5-101(a)(5) unless an income assignment is in effect and the payor of income is paying pursuant to § 36-5-501(g).

SECTION 52. Tennessee Code Annotated, Title 36, Chapter 2, Part 1 is amended by adding the following language as a new, appropriately designated Section:

36-2-1____. (a)(1) In any case in which a child is receiving assistance under a state program funded under Title IV-A of the Social Security Act, including, but not limited to, Aid to Families with Dependent Children (AFDC), or temporary assistance as provided under Title 71, and the payment of support for such child is past-due, then, upon motion of the department of human services or its contractors, the court may order that an individual who owes past-due support to such a child to pay the past-due support in accordance with a plan for payment of all past-due support as required by Section 51 of this act.

SECTION 53. Tennessee Code Annotated, Section, 37-1-151 is amended by adding the following as a new subsection:

() (1) In any case in which a child is receiving assistance under a state program funded under Title IV-A of the Social Security Act, including, but not limited to, Aid to Families with Dependent Children (AFDC), or temporary assistance as provided under Title 71, and the payment of support for such child is past-due, then, upon motion of the department of human services or its contractors, the court may order that an individual who owes past-due support to such a child to pay the past-due support in accordance with a plan for payment of all past-due support as required by Section 51 of this act.

SECTION 54. Tennessee Code Annotated, Section 36-5-101(a)(4)(E)(i) is amended by adding the words "and obligee" immediately after the words "will notify the obligor" in the last sentence.

SECTION 55. Tennessee Code Annotated, Section 36-5-101(a), is amended by deleting subdivision (4)(E)(ii) in its entirety and by redesignating subdivision (4)(E)(i) as subdivision (4)(E).

SECTION 56. Tennessee Code Annotated, Section 36-5-101(e) is amended by deleting subdivision (4) in its entirety.

SECTION 57. Tennessee Code Annotated, Section 36-2-103(a) is amended by deleting subdivision (1) in its entirety and by substituting instead the following:

(1) A petition to establish paternity of a child, to change the name of the child if desired, and to require the father to pay the costs of the mother's pregnancy and the child's birth, to direct the payment of support and medical care for the child in accordance with this part and the provisions of title 36, chapter 5, may be filed by the mother or the mother's

representative, the putative father, by the department of human services or by any person.

SECTION 58. Tennessee Code Annotated, Section 36-2-103(a) is amended by deleting the language "putative father" in the second sentence of subdivision (2) and by substituting instead the language "either parent".

SECTION 59. Tennessee Code Annotated, Section 36-2-103(a) is amended by deleting subdivision (3) in its entirety and by substituting instead the following:

(3) After the death of the mother or father, or in the case of the mother's or father's disability, the petition may be filed by the child acting through a guardian ad litem, next friend or by the department of human services.

SECTION 60. Tennessee Code Annotated, Section 36-2-103, is amended by deleting subsection (d) in its entirety and by substituting instead the following:

(d)(1) The petition shall be verified by affidavit.

(2) The petition shall contain allegations regarding the paternity and maternity of the child who is the subject of the petition and shall name a person as the possible father.

SECTION 61. Tennessee Code Annotated, Section 36-2-103 is amended by deleting the words "alleged father" wherever they appear in subsections (e) and (f) and by substituting instead the word "defendant".

SECTION 62. Tennessee Code Annotated, Section 36-2-104 is amended by deleting subsection (d) in its entirety and by substituting instead the following:

(d)(1) Upon motion of a party, the court shall enter an order of temporary child support pending the adjudication of paternity if there is clear and convincing evidence of paternity on the basis of genetic tests or other evidence. For purposes of this subsection, clear and convincing evidence shall be established presumptively if the genetic test or other blood tests establish the paternity of the parent by a statistical probability of ninety-five percent (95%).

(2) The court may, in its discretion, in lieu of an indemnity bond, order a defendant to pay child support to the clerk of the court, or, to the department if the clerk is not participating in the child support system, to be held in escrow pending the final adjudication.

SECTION 63. Tennessee Code Annotated, Section 36-2-105 is amended by adding the words "or father" after the word "mother".

SECTION 64. Tennessee Code Annotated, Section 36-2-106(a) is amended by deleting the words "in the juvenile court" in the first sentence and by deleting the third sentence.

SECTION 65. Tennessee Code Annotated, Section 36-2-106 is amended by designating the language of subsection (a) as subdivision (1) and by adding the following as a new subdivision (2):

(2) Any bills concerning the mother's pregnancy and for the birth of the child and for genetic testing involving the child's parentage shall be admissible in proceedings pursuant to this part without the necessity of third-party foundation testimony and these bills shall constitute prima facie evidence of the amounts incurred for these services or tests.

SECTION 66. Tennessee Code Annotated, Section 36-2-106(b) is amended by deleting the first sentence.

SECTION 67. Tennessee Code Annotated, Section 36-2-106 is amended by deleting subsection (c) in its entirety and by substituting the following:

(c) If the court enters a default order or if the court finds that the man alleged to be the father is the father of the child who is the subject of the proceeding, the court shall enter an order of paternity and shall enter an order of support pursuant to § 36-2-108.

SECTION 68. Tennessee Code Annotated, Section 36-2-107 is amended by deleting the Section in its entirety and by substituting instead the following:

Parentage tests shall be conducted pursuant to the provisions of § 24-7-112.

SECTION 69. Tennessee Code Annotated, Section 36-2-108 is amended by deleting subsection (a) in its entirety and by substituting instead the following:

(a) If the court finds the putative father to be the child's father, the court shall enter an order of paternity and shall establish support as provided by the child support guidelines in § 36-5-101(e) and shall direct that medical care for the child be provided by the parent(s) and may order a change of name.

SECTION 70. Tennessee Code Annotated, Section 36-2-108 is amended by deleting the first sentence of subsection (b) in its entirety and by substituting instead the following:

The order of paternity and support shall specify who is to have custody of the child, and the sum to be paid monthly or otherwise which shall be paid as provided by §36-5-101(a)(4) until such time as all current support or arrears have been paid as provided by law. Neither the department of human services or its contractors shall be required to represent either parent on matters involving custody of or visitation with the child.

SECTION 71. Tennessee Code Annotated, Section 36-2-108 is amended by deleting the language "and education" in the second sentence of subsection (b) and by substituting instead the language "of the child".

SECTION 72. Tennessee Code Annotated, Section 36-2-108 is amended by designating the current language of subsection (b) as subdivision (1) and by adding the following as new subdivisions (2) and (3):

(2) Upon establishing parentage, the court shall enter an order of paternity which shall include the following:

(A) The full names and last known residential and mailing addresses of the mother, father, and child, if known;

(B) The dates of birth and social security numbers of the mother, father, and the child, if known;

(C) The father's place of birth, if known;

(D) The home telephone number of the parties, if known;

(E) The driver's license number of the parties, if known;

(F) The employers' name, address and telephone number, if known; and

(G) The availability and cost of health insurance to cover the child, if known.

(3)(A) Each individual who is a party to any action pursuant to this part in which the paternity of a child is determined or support is ordered, enforced or modified for a child shall be required, and the court shall order the party, to file with the court, and, if the case is a Title IV-D child support case, with the local Title IV-D child support office, an update, as appropriate, of the party's:

- (i) Change in name;
- (ii) Social security number;
- (iii) Residential and mailing addresses;
- (iv) Home telephone numbers;
- (v) Driver's license number;
- (vi) The name, address, and telephone number of the person's employer; and
- (vii) The availability and cost of health insurance for the child.

(B) Any update must be made within twenty (20) days of the date of a change in circumstances of the person and the order shall give notice of this requirement.

(C) In any subsequent child support enforcement action, the delivery of written notice as required by Tennessee Rule of Civil Procedure 5 to the most recent residential or employer address shown in the department's records or the Title IV-D agency's records as required in subdivisions (2) and (3) shall be deemed to satisfy due process requirements for notice and service of process with respect to that party if there is a sufficient showing that a diligent effort has been made to ascertain the location and whereabouts of the party.

(D) Upon motion of either party, upon a showing of domestic violence or the threat of such violence, the court may enter an order to withhold from public access the address, telephone number, and location of the alleged victim(s) or threatened victims of such circumstances. The clerk of the court shall withhold such information based upon the court's specific order.

SECTION 73. Tennessee Code Annotated, Section 36-2-108 is amended by deleting the words "defendant's" or "defendant" wherever they appear in subsection (c) and by substituting instead the words "father's" or "father" as the context requires.

SECTION 74. Tennessee Code Annotated, Section 36-2-109 is amended by deleting the Section in its entirety and by substituting instead the following:

The court may require that the clerk send the child support payments or other ordered payments to the parent, caretaker, relative, legal guardian or legal custodian. If there has been an assignment of child support payments to the department of human services or to any other Title IV-D child support agency pursuant to Titles IV-A, IV-D or IV-E of the Social Security Act, or if the proceedings have been initiated on behalf of an individual by the department of human services or any other Title IV-D child support agency under Title IV-D of the Social Security Act, the support shall be paid pursuant to the provisions of § 36-5-101(a)(4).

SECTION 75. Tennessee Code Annotated, Section 36-2-111 is amended by deleting the Section in its entirety and by substituting instead the following:

(a) The court shall have statewide jurisdiction over the parties involved in the case.

(b) Transfer of cases for purposes of enforcement and modification of orders shall be made pursuant to the provisions of Sections 5 and 6 of this act.

SECTION 76. Tennessee Code Annotated, Section 36-2-112, is amended by deleting the Section in its entirety and by substituting instead the following:

The making of a knowingly and willfully false complaint under this part regarding the identity of the parent of a child, or the aiding or abetting of such a knowingly and willfully false complaint, is punishable as perjury.

SECTION 77. Tennessee Code Annotated, Section 36-2-113, is amended by deleting subsection (a) in its entirety and by substituting instead the following:

(a) When, under the provisions of this part, the relationship of father and child is established between the putative father and the child named in the petition, and an order of paternity and support is entered, the child shall be the lawful child of the father for all purposes, including for the purpose of inheriting from the father, as if the child had been born to the father in lawful wedlock.

SECTION 78. Tennessee Code Annotated, Section 36-2-113 is amended by adding the following language after the first sentence of subsection (b):

The form shall contain, at a minimum, the information contained in § 36-2-108(b)(2).

SECTION 79. Tennessee Code Annotated, Section 36-2-115 is amended by deleting the Section in its entirety and by substituting instead the following:

(a) There shall be no official references in any records or certificates to the birth out of wedlock of any child, except as it may be required in any legal proceeding when the question of a child born out of wedlock is at issue and except as may be required for purposes of federal record-keeping requirements, and otherwise there shall be no explicit official reference to the child's out of wedlock birth or to the child's "illegitimacy".

(b) No person born to an out of wedlock union shall be deprived of any civil benefit afforded by law to any other citizen.

(c) Any person, including any employee or official of any governmental agency, who deprives a person of any civil benefit afforded to other citizens by law, by reason of the person being born to a union out of wedlock, commits a Class C misdemeanor.

(d) The provisions of this section shall not be construed as conferring a right of inheritance upon any such person or altering or modifying any law pertaining to paternity, legitimation, adoption or support of children.

SECTION 80. Tennessee Code Annotated, Title 36, Chapter 2, Part 1 is amended by adding the following as a new section:

36-2-1____. Legal status of child by marriage of child's parents.-- (a) All children born out of wedlock whose parents have heretofore married or who shall hereafter marry shall by such marriage become the lawful child of those parents for all purposes and entitled to all the rights and privileges of children born to a union of the child's mother and father in lawful wedlock. No further proceedings pursuant to this part shall be necessary to establish the child's legal status as the lawful child of both parents who have married or who hereafter marry.

(b) An estate or interest or trust created before the marriage of the parents of such child shall not be divested or affected by reason of the child's legal status as the lawful child of such parents.

(c) Nothing in this section shall be deemed or construed in any manner to impair or affect the validity of any lawful marriage contract made before the enactment of this section. This section shall be applicable in all cases where the father of a child born out of wedlock has married or shall marry the mother of such child, including marriages later found to be illegal, void or voidable, and the father recognizes or holds the child out as being the father's child.

(d) This section shall be applicable to residents of Tennessee whether the marriage ceremony was or shall be performed in this state or elsewhere; however, nothing in this section shall be construed to legalize illegal, void, or voidable marriages.

(e) The provisions of § 68-3-310(3) shall apply to the issuance of a certificate of birth for children of persons subject to this Section unless the provisions of § 68-3-305(b)(2)(C) apply.

SECTION 81. Tennessee Code Annotated, Title 36, Chapter 2, Part 1 is amended by adding the following as a new Section:

36-2-1____. Paternity actions during pending adoption proceedings--. A person who seeks to establish paternity of a child who is the subject of a pending petition for adoption pursuant to § 36-1-101 et seq. must file the petition in the court where the adoption petition is filed. Any petition to establish paternity of a child which may be filed or which is pending in any court subsequent to the filing of an adoption petition involving the same child shall be transferred for any further proceedings to the court where the adoption proceedings are pending on motion of any party to the

paternity petition or the adoption petition, on the court's own motion, or upon the request of the adoption court. The adoption court shall have exclusive jurisdiction to determine the issues relating to the paternity of the child. Any order of paternity entered by any court other than the adoption court subsequent to the date the adoption petition is filed shall be void.

SECTION 82. Tennessee Code Annotated, Section, 36-1-113(g) is amended by deleting subdivision (8)(A)(vi) in its entirety and by substituting instead the following:

(vi) The person has failed to file a petition to establish paternity of the child within thirty (30) days after notice of alleged paternity by the child's mother, or as required in § 36- 2-209(j), or after making a claim of paternity pursuant to § 36- 1-117(c)(3).

SECTION 83. Tennessee Code Annotated, Section 36-1-116, is amended by deleting in subdivision (f)(1) the language "legitimation of the child sought by a biological father of a child pursuant to chapter 2, part 2 of this title." and by substituting instead the language "establishment of paternity of a child pursuant to chapter 2, part 1 of this title."

SECTION 84. Tennessee Code Annotated, Section 36-1-116 is amended by deleting the word "legitimation" in subdivision (f)(2) and by substituting instead the language "establishment of the paternity".

SECTION 85. Tennessee Code Annotated, Section 36-1-117 is amended by deleting the word "legitimate" in subdivision (a)(2) and by substituting instead the language "establish paternity of".

SECTION 86. Tennessee Code Annotated, Section 36-1-117 is amended by deleting subdivision (b)(1) in its entirety and by substituting instead the following:

(1) If a petition has been filed to establish paternity of the child who is the subject of the adoption proceeding, the adoption court shall have exclusive jurisdiction to hear and decide any paternity petition filed in the adoption proceeding or which has been transferred to it pursuant to Section 81 of this act.

SECTION 87. Tennessee Code Annotated, Section 36-1-117 is amended by deleting the word "legitimation" in subdivision (b)(2) and by substituting instead the word "paternity".

SECTION 88. Tennessee Code Annotated, Section 36-1-117 is amended by deleting subdivision (b)(3)(A) and by substituting instead the following:

(A) The petition shall be granted if it is shown by a preponderance of the evidence that person alleged to be the father of the child is the father of the child; provided, that the entry of such an order shall not prevent the filing and consideration of a petition pursuant to § 36-1-113.

SECTION 89. Tennessee Code Annotated, Section 36-1-117 is amended by deleting the word "for legitimation" in subdivision (b)(3)(B) and by substituting instead the language "to establish paternity".

SECTION 90. Tennessee Code Annotated, Section 36-1-117 is amended by deleting the language "legitimation petition" in subdivision (b)(5) and by substituting instead the language "petition to establish paternity".

SECTION 91. Tennessee Code Annotated, Section 36-1-117 is amended by deleting the word "legitimation" in subdivision (b)(6) and by substituting instead the word "paternity".

SECTION 92. Tennessee Code Annotated, Section 36-1-117 is amended by deleting the language "legitimate the child or who has not legitimated the child" in the introductory paragraph of subsection (c) and by substituting instead the language "establish paternity of the child or who has not established paternity to the child".

SECTION 93. Tennessee Code Annotated, Section 36-1-117 is amended by deleting in subdivision (c)(3) the word "legitimation" and by substituting instead the word "paternity".

SECTION 94. Tennessee Code Annotated, Section 36-2-209(j) is amended by deleting the word "legitimate" and by substituting instead the language "establish paternity".

SECTION 95. (a) Tennessee Code Annotated, Sections 36-2-201 through 36-2-208 and Section 36-2-210 are repealed.

(b) Any petition for legitimation filed prior to the effective date of this Section shall be adjudicated based upon the law in effect prior to the effective date of this Section. Any order which results from a petition for legitimation in such circumstance shall be effective to establish all rights and responsibilities arising under the provisions of title 36, chapter 2, part 2 as it existed prior to the effective date of this Section whether the order is entered on or after the effective date of this Section.

(c) Nothing in this section shall be construed to alter or disturb any rights which accrued to any person or responsibilities assumed by any person pursuant to title 36, chapter 2, part 2 of the Tennessee Code Annotated prior to the effective date of this Section including the authority of the state registrar to issue certificates of birth pursuant to the provisions of title 68, chapter 3, part 3 for children who have been the subject of orders of legitimation pursuant to court orders entered before or after the effective date of this Section which are based upon petitions filed prior to the effective date of this act and which petitions resulted in orders of legitimation for those children.

SECTION 96. Tennessee Code Annotated, Section 36-2-209 is transferred to an appropriately designated section in Title 36, Chapter 2, Part 1 and the Code Commission is directed to make any necessary changes to references to that Section which are contained in any other parts of the Code.

SECTION 97. Tennessee Code Annotated, Section 36-5-101(a)(5) is amended by deleting the word "fifth" in the third sentence and by substituting instead the word "first".

SECTION 98. Tennessee Code Annotated, Section 37-1-151(b)(1) is amended by deleting the words "children's services" and by substituting instead the words "human services".

SECTION 99. Tennessee Code Annotated, Title 71, Chapter 1, Part 1 is amended by adding the following as a new section:

(a)(1) The department shall have rulemaking authority to establish any necessary rules for the administration of the child support program operated pursuant to Title IV-D of the Social Security Act and shall have rulemaking authority to establish any rules to carry out the requirements of any title or part of any title which the department administers and which are necessary to immediately implement the provisions of the Title IV-D child support program and to effectuate any federal legislative or regulatory changes.

(2) Notwithstanding any law to the contrary, the department shall have authority upon passage of this act to promulgate any public necessity rules, to become effective upon the effective date of this act, when the department determines such rules are necessary to implement the provisions of this part on the effective date of the act, and shall have rulemaking authority to establish upon passage of this act any public necessity rules, to become effective upon the effective date of this act, in any other title or part of any title which the department administers which are necessary to

implement the child support program; provided, however, that the department shall promulgate permanent rules pursuant to a rulemaking hearing as required by title 4, chapter 5.

(b) It is the intent of the general assembly that any modifications to the state's child support program be implemented which are required by federal law or regulations or which are financially in the best interests of the state or which are necessary for the implementation of such changes.

Notwithstanding any other state law to the contrary, the department shall, therefore, have the authority to immediately implement any federal legislative or regulatory changes by public necessity rules following approval by the attorney general and reporter; provided, however, that permanent rules shall be promulgated pursuant to the provisions of the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(c) Notwithstanding any other law to the contrary, any forms mandated by the Secretary of the United States Department of Health and Human Services which are required to be utilized by the department of human services in any aspect of the Title IV-D child support program administered by the department shall, in all respects, immediately supersede any forms in use at the time the department implements the use of such federal forms by public necessity rule. Any requirements of the laws or regulations of this state which are inconsistent with the language or procedures established by such federal forms shall be subordinate to the requirements imposed by such federal forms.

SECTION 100. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 101. Section 1 of this act shall become effective for purposes of promulgating rules and regulations upon this act becoming a law, and shall otherwise become effective for all other purposes on October 1, 1997, the public welfare requiring it. Section 2 and Section 3 of this act shall become effective on January 1, 1998, the public welfare requiring it. Sections 4 through 98 of this act shall become effective on July 1, 1997, the public welfare requiring it. Section 99 and Section 100 of this act shall become effective upon becoming a law, the public welfare requiring it.

Rep. Turner (Hamilton) moved to amend as follows:

Amendment No. 1 to Amendment No. 1

AMEND House Bill No. 1810 by deleting in the amendatory language of Children and Family Affairs Committee Amendment No. 1 the language "service provider" in § 36-5-1107(d) of SECTION 1 and by substituting instead the word "employee".

AND FURTHER AMEND the language in § 36-5-3003(8) of SECTION 5 of the amendatory language of Children and Family Affairs Committee Amendment No. 1 the following language immediately after the language "transferor court":

or the department in Title IV-D child support cases

AND FURTHER AMEND § 36-5-3004(a)(3)(A) of SECTION 5 of the amendatory language of Children and Family Affairs Committee Amendment No. 1 by adding the following language after the first sentence:

The department shall mail the notice in Title IV-D child support cases.

AND FURTHER AMEND § 36-5-3103(a)(4) of SECTION 6 of the amendatory language of Children and Family Affairs Committee Amendment No. 1 by adding the following language immediately after the language "registering court":

or the department in Title IV-D child support cases

AND FURTHER AMEND § 36-5-3103(a)(4)(D) of SECTION 6 of the amendatory language of Children and Family Affairs Committee Amendment No. 1 by deleting the word "of" at the beginning of subdivision (4)(D).

AND FURTHER AMEND § 36-5-3105 of SECTION 6 of the amendatory language of Children and Family Affairs Committee Amendment No. 1 by adding the language "or the department in Title IV-D child support cases" immediately after the language "registering court".

AND FURTHER AMEND subdivision (a)(6) of SECTION 10 of the amendatory language of Children and Family Affairs Committee Amendment No. 1 by deleting the language "and only" in the second sentence and by substituting instead the language "or only".

AND FURTHER AMEND subdivision (a)(2)(E) of SECTION 10 of the amendatory language of Children and Family Affairs Committee Amendment No. 1 by adding the language "child support" immediately preceding the language "payment records".

AND FURTHER AMEND subdivision (a)(2)(F) of SECTION 10 of the amendatory language of Children and Family Affairs Committee Amendment No. 1 by deleting subdivision (a)(2)(F) in its entirety and by substituting instead the following language:

(F) Inquiries from legislative representatives of an obligor or obligee concerning child support payment records or child support legal and administrative procedures utilized to attempt recovery of support payments involved in individual cases under a support order upon a release for that person authorized by the affected person. An inquiry and release by one party under this subdivision does not authorize release of information involving the other party other than the child support payment record and child support legal or administrative procedures utilized to attempt recovery of support payments from the other party. Nothing in this subdivision shall be construed to authorize release of any information which is otherwise protected as confidential pursuant to this section.

AND FURTHER AMEND § 36-5-806 of SECTION 11 of the amendatory language of Children and Family Affairs Committee Amendment No. 1 by deleting the numbers and language "36-5-802 and 36-5-803" and by substituting instead the numbers and language "36-5-802, 36-5-803 and 36-5-804".

AND FURTHER AMEND in § 36-5-814(4) of SECTION 11 of the amendatory language of Children and Family Affairs Committee Amendment No. 1 by inserting the language and punctuation "securities broker/dealer," immediately following the language and punctuation "mutual fund,".

AND FURTHER AMEND § 36-5-901(b)(1) of SECTION 12 of the amendatory language of Children and Family Affairs Committee Amendment No. 1 by adding the language "or filed, as appropriate" after the language "recorded" in the first sentence.

AND FURTHER AMEND § 36-5-901(b)(3)(A) of SECTION 12 of the amendatory language of Children and Family Affairs Committee Amendment No. 1 by adding the language "or recorded" after the word "filed" in the first sentence.

AND FURTHER AMEND § 36-5-901(b)(3)(A) of SECTION 12 of the amendatory language of Children and Family Affairs Committee Amendment No. 1 by adding the following language at the end of the subdivision:

The cost for provision of the computer terminal arrangement, if used pursuant to this subdivision, shall be paid by the department of human services.

AND FURTHER AMEND § 36-5-901(c)(1) of SECTION 12 of the amendatory language of Children and Family Affairs Committee Amendment No. 1 by adding the language " and special assessments upon real estate by county and municipal governments" after the word "taxes" and before the semicolon (;).

AND FURTHER AMEND in § 36-5-901(c) of SECTION 12 of the amendatory language of Children and Family Affairs Committee Amendment No. 1, by inserting between subdivisions (4) and (5) the following new subdivisions and by renumbering succeeding subdivisions accordingly:

(5) The lien or security interest of a financial institution against an obligor's interest in a deposit account at that institution for any indebtedness to the institution, including but not limited to, that institution's security interest in accounts pledged for loans, its rights under the Uniform Commercial Code or by contract to charge back uncollected deposits, revoke settlements or take other action against said account, its right to recover overdrafts and fees, and its right of offset for mature indebtedness;

(6) Other security interests in deposit accounts at a financial institution when such interests are reflected in the records of that financial institution prior to the receipt of an administrative order of seizure;

(7) Other liens recorded prior to the recordation of the department's lien, or concerning which a judicial proceeding was initiated prior to recordation of the department's lien.

AND FURTHER AMEND § 36-5-901(d) of SECTION 12 of the amendatory language of Children and Family Affairs Committee Amendment No. 1 by designating the current language as subdivision (1) and by adding the following as new subdivisions:

(2) No lien for child support arrearages shall be perfected against a motor vehicle unless such lien is physically noted on the certificate of title of such motor vehicle.

(3) Nothing in this act shall be deemed to give the department any priority over any possessory lien including, but not limited to mechanics' and materialmen's liens pursuant to title 66, chapter 11, part 1; artisans liens pursuant to title 66, chapter 14 part 1; or garagekeepers' and towing firm liens pursuant to title 66, chapter 19, part 1.

AND FURTHER AMEND § 36-5-901(e) of SECTION 12 of the amendatory language of Children and Family Affairs Committee Amendment No. 1 by adding the language "or recorded" after the word "filed".

AND FURTHER AMEND § 36-5-902(a) of SECTION 12 of the amendatory language of Children and Family Affairs Committee Amendment No. 1 by adding the punctuation and language ", filing" after the word "recording" in the first sentence.

AND FURTHER AMEND by deleting § 36-5-905(c)(2), of SECTION 12 of the amendatory language of Children and Family Affairs Committee Amendment No. 1, in its entirety and by substituting instead the following:

(2) If the assets of the obligor are known by the person or entity which received such administrative order to be subject to any orders of the United States Bankruptcy Court, or to any attachment, execution or existing lien, said person or entity shall, within ten (10) days after receipt of the administrative order, notify the department at the address contained in the order. With respect to deposit accounts of the obligor, the depository

financial institution shall inform the department of the unencumbered balances of such accounts.

AND FURTHER AMEND § 36-5-905(g), of SECTION 12 of the amendatory language of Children and Family Affairs Committee Amendment No. 1, by inserting the words "or attempted compliance in good faith with such order" between the language "such order" and the period (.).

AND FURTHER AMEND § 36-5-906(a)(1) of SECTION 12 of the amendatory language of Children and Family Affairs Committee Amendment No. 1 by deleting subdivision (1) in its entirety and by substituting instead the following:

(1) Wearing apparel, school books and family bible. Such items of wearing apparel and such school books as are necessary for the obligor or for members of the obligor's family, and the family bible or other book containing the family's religious beliefs;

AND FURTHER AMEND § 36-5-907(b) of SECTION 12 of the amendatory language of Children and Family Affairs Committee Amendment No. 1 by adding the language "or recording" after the word "filing".

AND FURTHER AMEND § 36-5-907(c) of SECTION 12 of the amendatory language of Children and Family Affairs Committee Amendment No. 1 by adding the following sentence:

If a facsimile transmission is utilized pursuant to this subsection, it shall be supplemented by a copy of suitable quality if such facsimile's quality is not adequate for purposes of recording by the register or other appropriate official.

AND FURTHER AMEND § 36-5-910(4), of SECTION 12 of the amendatory language of Children and Family Affairs Committee Amendment No. 1, by inserting the language and punctuation "securities broker/dealer," immediately following the language and punctuation "mutual fund,".

AND FURTHER AMEND § 36-5-911 of SECTION 12 of the amendatory language of Children and Family Affairs Committee Amendment No. 1 is amended by adding the following sentence:

Nothing in this section shall be construed to require or permit the shifting of the costs for provision of computer terminal hardware or software pursuant to § 36-5-901(b)(3) from the state of Tennessee to any local government.

AND FURTHER AMEND subsection (c) of SECTION 13 of the amendatory language of Children and Family Affairs Committee Amendment No. 1 by adding the language "or any financial institution's contractor which may process any records pursuant to this section" after the language "financial institution".

AND FURTHER AMEND § 45-10-___(e)(4) of SECTION 13 of the amendatory language of Children and Family Affairs Committee Amendment No. 1, by inserting the language and punctuation "securities broker/dealer," immediately following the language and punctuation "mutual fund,".

AND FURTHER AMEND § 45-10-___, of SECTION 13 of the amendatory language of Children and Family Affairs Committee Amendment No. 1, by adding the following new subsection (g):

(g) For the production of financial information or financial records, other than those specifically provided in the data match provisions of this act by contract with the financial institution, the department shall pay a reasonable fee not to exceed the actual cost to the financial institution for researching or producing financial records. A reasonable fee shall be deemed to be the lesser of the financial institution's ordinary and customary fees for producing customer records or the fees established by the Federal Reserve Board for the production of records.

AND FURTHER AMEND § 45-___-___. (a) of SECTION 14 of the amendatory language of Children and Family Affairs Committee Amendment No. 1, by adding at the end of subsection (a) the following sentence:

In drafting such agreements, the department of human services shall consult with a representative number of financial institutions and shall avoid the imposition of requirements that are not reasonably compatible with the data processing and recordkeeping systems generally utilized by financial institutions.

AND FURTHER AMEND § 45-___-___. (c) of SECTION 14 of the amendatory language of Children and Family Affairs Committee Amendment No. 1, by deleting subsection (c) in its entirety and by substituting instead the following:

(c) When an administrative order is issued by the department of human services pursuant any provisions of law or regulations or pursuant to agreements entered pursuant to subsections (a) or (b) directing the encumbrance, escrow, seizure or surrender of assets of an obligor consisting of a demand deposit account, or an account accessible by a checking or negotiable order of withdrawal for the purpose of satisfying a lien for past-due child support, the department may direct that only a portion of such accounts, up to the amount necessary to satisfy the existing lien for past-due child support, be encumbered, escrowed, seized or surrendered. If less than the whole amount of the account is sought, the department's order shall direct the financial institution to withhold a specific percentage or a specific dollar amount of those types of accounts.

AND FURTHER AMEND § 45-___-___. (d) of SECTION 14 of the amendatory language of Children and Family Affairs Committee Amendment No. 1, by deleting in subsection (d) the word "may" and by substituting instead the word "shall".

AND FURTHER AMEND § 45-___-___ of SECTION 14 of the amendatory language of Children and Family Affairs Committee Amendment No. 1, by deleting subsections (e) and (f) in their entireties and by substituting instead the following:

(e) For purpose of this part, the following terms shall have the following meanings unless the context otherwise requires:

(1) "Financial institution" shall mean:

(A) A depository institution, as defined in Section 3(c) of the Federal Deposit Insurance Act (12 U.S.C. 1813(c);

(B) An institution-affiliated party, as defined in Section 3(u) of such Act (12 U.S.C. 1813(u);

(C) Any Federal credit union or State credit union as defined in Section 101 of the Federal Credit Union Act (12 U.S.C. 1752), including for the purposes of Sections 11 and 12 of this act an institution-affiliated party of such a credit union, as defined in Section 206 of such Act (12 U.S.C. 1786);

(D) Any benefit association, insurance company, safe deposit company, money-market mutual fund, securities broker/dealer or similar entity authorized to conduct business in this State.

(2) "Account" shall mean a demand deposit account, account accessible by checking or negotiable orders of withdrawal, savings account, time deposit account, or money-market mutual fund account.

AND FURTHER AMEND SECTION 14 of the amendatory language of Children and Family Affairs Committee Amendment No. 1 by deleting "45-___-___ Immunity for provision of financial information." in its entirety and by substituting instead the following:

45-___-___ Immunity for provision of financial information.

(a) A financial institution, as defined in "Section 45-___-___ Operating agreements for data match systems." subsection (e), or any financial institution's contractor which may process any records pursuant to this chapter, shall be absolutely immune from any civil or criminal liability under common law or under any contract, statute or regulation for:

(1) the disclosure of any information pursuant to this part, for the escrow, encumbrance, seizure or surrender of any assets held by the financial institution in response to a notice

of lien or levy issued by any State child support enforcement agency or its contractors or agents, or for any action taken in good faith to comply with the requirements of this part;

(2) subject to subsection (b) hereof, any erroneous disclosure, encumbrance, seizure or surrender made in a good-faith effort to comply with the requirements of this part;

(3) subject to subsection (b) hereof, any good-faith failure to effect, or good-faith delay in effecting, a disclosure, encumbrance, seizure or surrender in compliance with the requirements of this part, if such failure or delay results from an error or from events beyond the control of the financial institution.

(b) Subdivisions (a)(2) and (3) shall apply to erroneous acts or failures to act only if the error from which the act or failure results is an unintentional bona fide error, including but not limited to a clerical or computer malfunction or programming error. In the event of an erroneous act under subdivision (a)(2) or an erroneous or other failure to act under subdivision (a)(3), the financial institution shall, upon discovery thereof, exercise such diligence as the circumstances require.

AND FURTHER AMEND § 36-5-1201 of SECTION 15 of the amendatory language of Children and Family Affairs Committee Amendment No. 1 by adding the word and punctuation "and," at the end of subdivision (e)(2).

AND FURTHER AMEND SECTION 17 of the amendatory language of Children and Family Affairs Committee Amendment No. 1 by adding the following punctuation and language immediately after the language "in the records of the clerk of court" in the first sentence in subdivision (b)(1)(B):

, if the support is paid through the clerk's office,

AND FURTHER AMEND § 36-5-501(d) of SECTION 17 of the amendatory language of Children and Family Affairs Committee Amendment No. 1 by adding the language "and the employer" immediately after the language "notify the obligor".

AND FURTHER AMEND § 36-5-501(f) of SECTION 17 of the amendatory language of Children and Family Affairs Committee Amendment No. 1 by adding the following after the first sentence:

The notices and orders required by this section need not be entered in the minutes of the court.

AND FURTHER AMEND § 36-5-501(n) of SECTION 17 of the amendatory language of Children and Family Affairs Committee Amendment No. 1 by deleting subdivision (2) in its entirety and by substituting instead the following:

(2) Prior to the filing of a notice of rulemaking for permanent rules pursuant to this subsection, the rules shall be sent by the department for review by an advisory group composed of two (2) representatives of the state court clerks' conference appointed by the president of the state court clerks' association, two (2) representatives of the judges of courts which have child support responsibilities who will be appointed by the chief justice of the supreme court, a representative of the administrative office of the courts, and two (2) representatives of the department of human services designated by the commissioner. Nothing contained herein shall be construed to prevent the department from filing any notice of rulemaking prior to or at the time the proposed permanent rules are sent to the advisory group where the department determines that immediate filing of the notice without prior review by the advisory group is necessary to meet any requirements relative to the potential expiration of public necessity or emergency rules or to comply with any federal statutory or regulatory requirements or any federal policy directives.

AND FURTHER AMEND SECTION 19 of the amendatory language of Children and Family Affairs Committee Amendment No. 1 by deleting subdivisions (B)(i) through (iv) in their entireties and by substituting instead the following:

(B)(i) When the court enters an order in which the paternity of a child is determined or support is ordered, enforced or modified for a child, each individual who is a party to any action pursuant to this part shall be immediately required to file with the court and, if the case is a Title IV-D child support case, shall immediately file with the local Title IV-D child support office and shall update, as appropriate, the party's:

- (I) Full name and any change in name;
- (II) Social security number and date and place of birth;
- (III) Residential and mailing addresses;
- (IV) Home telephone numbers;
- (V) Driver's license number;
- (VI) The name, address, and telephone number of the person's employer; and,
- (VII) The availability and cost of health insurance for the child.

The requirements of this subdivision may be included in the court's order.

(ii) Each individual who is a party must update changes in circumstances of the individual for the information required by subdivision (B)(i) within ten (10) days of the date of such change. At the time of the

entry of the first order pertaining to child support after the effective date of this act, clear written notice shall be given to each party of the requirements of this subsection, procedures for complying with the subsection and a description of the effect or failure to comply. Such requirement may be noted in the order of the court.

(iii) In any subsequent child support enforcement action, the delivery of written notice as required by Tennessee Rule of Civil Procedure 5 to the most recent residential or employer address shown in the court's records or the Title IV-D agency's records as required in (B)(i) shall be deemed to satisfy due process requirements for notice and service of process with respect to that party if there is a sufficient showing and the court is satisfied that a diligent effort has been made to ascertain the location and whereabouts of the party.

(iv) Upon motion of either party, upon a showing of domestic violence or the threat of such violence, the court may enter an order to withhold from public access the address, telephone number, and location of the alleged victims(s) or threatened victims of such circumstances. The clerk of the court shall withhold such information based upon the court's specific order but may not be held liable for release of such information.

AND FURTHER AMEND SECTION 20 of the amendatory language of Children and Family Affairs Committee Amendment No. 1 by deleting subdivisions (b)(4)(C) through (F) in their entireties and by substituting instead the following:

(C) When the court enters an order in which the paternity of a child is determined or support is ordered, enforced or modified for a child, each individual who is a party to any action pursuant to this part shall be immediately required to file with the court and, if the case is a Title IV-D child support case, shall immediately file with the local Title IV-D child support office and shall update, as appropriate, the party's:

- (i) Full name and any change in name;
- (ii) Social security number and date and place of birth;
- (iii) Residential and mailing addresses;
- (iv) Home telephone numbers;
- (v) Driver's license number;
- (vi) The name, address, and telephone number of the person's employer; and,
- (vii) The availability and cost of health insurance for the child.

The requirements of this subdivision may be included in the court's order.

(D) Each individual who is a party must update changes in circumstances of the individual for the information required by subdivision (4)(C) within ten (10) days of the date of such change. At the time of the entry of the first order pertaining to child support after the effective date of this act, clear written notice shall be given to each party of the requirements of this subsection, procedures for complying with the subsection and a description of the effect or failure to comply. Such requirement may be noted in the order of the court.

(E) In any subsequent child support enforcement action, the delivery of written notices as required by Tennessee Rule of Civil Procedure 5 to the most recent residential or employer address shown in the court's records or the Title IV-D agency's records as required in (4)(C) shall be deemed to satisfy due process requirements for notice and service of process with respect to that party if there is a sufficient showing and the court is satisfied that a diligent effort has been made to ascertain the location and whereabouts of the party.

(F) Upon motion of either party, upon a showing of domestic violence or the threat of such violence, the court may enter an order to withhold from public access the address, telephone number, and location of the alleged victims(s) or threatened victims of such circumstances. The clerk of the court shall withhold such information based upon the court's specific order but may not be held liable for release of such information.

AND FURTHER AMEND SECTION 29 of the amendatory language of Children and Family Affairs Committee Amendment No. 1 by deleting § 36-5-1302 in its entirety and by substituting instead the following:

36-5-1302. Inclusion of social security numbers in certain records.

Notwithstanding any other provision of the law to the contrary, the social security number of any individual who is subject to a divorce decree, order of support issued by any court, any order of paternity or legitimation, or any voluntary acknowledgment of paternity shall be placed in the records relating to such matter.

AND FURTHER AMEND SECTION 38 of the amendatory language of Children and Family Affairs Committee Amendment No. 1 by adding the following language at the after the first sentence in subdivision (c)(3):

If an individual seeking to rescind an acknowledgment completes an affidavit of indigency which accompanies the recission form, the fee shall be waived.

AND FURTHER AMEND SECTION 38 of the amendatory language of Children and Family Affairs Committee Amendment No. 1 by deleting subdivision (e)(3) in its entirety and by substituting instead the following:

(3) The test results certified under oath by an authorized representative of an accredited laboratory shall be filed with the court and shall be admissible on the issue of paternity pursuant to § 24-7-112(b). If the acknowledged father is found to be excluded by the tests, an action seeking support shall be dismissed or the acknowledgment of paternity shall be rescinded, as appropriate. If the test results show a statistical probability of ninety-five percent (95%) or greater, a rebuttable presumption of paternity shall be established and the issue of paternity shall be tried before the court without a jury. If the test results show a probability of paternity of ninety-nine percent (99%) or greater, the acknowledgment of paternity will become conclusive and no further action shall be necessary to establish paternity unless a motion asserting the defenses of § 24-7-112(b)(2)(C) is successfully brought.

AND FURTHER AMEND SECTION 44 of the amendatory language of Children and Family Affairs Committee Amendment No. 1 by adding the language and punctuation "any counties, county officials, the clerks of any court," immediately after the language "agents or contractors".

AND FURTHER AMEND SECTION 46 of the amendatory language of Children and Family Affairs Committee Amendment No. 1 by deleting the word and punctuation "parties." in subdivision (a)(1)(A)(ii) and by substituting instead the language and punctuation "parties; or" and by adding the following new subdivision (a)(1)(A)(iii):

(iii) Denying paternity.

AND FURTHER AMEND by deleting SECTION 47 of the amendatory language of Children and Family Affairs Committee Amendment No. 1 in its entirety and by substituting instead the following:

SECTION 47. Tennessee Code Annotated, Section 24-7-112(b) is amended by deleting subsection (b) in its entirety and by substituting instead the following:

(b) Upon receiving the results of the tests and comparisons conducted pursuant to subsection (a), the court shall proceed as follows:

(1)(A) Either party may request an additional parentage test upon the advanced payment of the costs of the additional parentage test. If the additional tests are requested by the department of human services its contractors or any state agency, the costs of such additional tests shall be paid for upon being billed for such by the testing agent and may be

recovered by those entities in any parentage proceeding from the person established as parent of the child.

(B)(i) If the results of the first test exclude paternity and the second test also exclude paternity, or, if the initial test results are negative on the issue of paternity establishment and no second test is requested, this shall be conclusive evidence of non-paternity and the action shall be dismissed.

(ii) If the results of the first test establish paternity and the second test again establishes a positive statistical probability of parentage as described in subdivisions (2)(B) or (C), the positive test results with the greater positive probability of parentage shall be definitive for purposes of the application of the appropriate evidentiary standards relative to the presumptions and the defenses available in subdivision (2).

(iii) If the results of the second test are different from the first test in their outcome relative to the exclusion or establishment of paternity, the court, or the department in appropriate cases, may order a third test, or the court may make a determination between the accuracy of the previous two (2) tests for purposes of determining paternity.

(C) The results of any tests which may exclude a person as the father shall not preclude the initiation of a new paternity action involving another putative father or by a putative father against a mother to establish his paternity.

(2)(A) In any proceeding where the paternity of an individual is at issue, the written report of blood, genetic, or DNA test results by the testing agent concerning the paternity is admissible without the need for any foundation testimony or other proof of the authenticity or accuracy of the test unless a written objection is filed with the court and served upon all parties thirty (30) days prior to the date of the hearing. For purposes of this section, service shall be deemed made upon the date of mailing.

(B) A rebuttable presumption of the paternity of an individual is established by blood, genetic, or DNA testing showing a statistical probability of paternity of that individual at ninety-five percent (95%) or greater. In such event, the case shall be tried by before the court without a jury regarding the issue of paternity without the evidentiary limitations of subdivision (2)(C).

(C) When the results of blood, genetic or DNA tests show a statistical probability that a man is the father of the child in question by a statistical probability of 99% or greater, the putative father may only attempt to rebut his paternity of the child by filing a motion with the tribunal and establishing upon clear and convincing evidence one or more of only the following circumstances:

(i) the putative father had undergone a medical sterilization procedure prior to the probable period of conception, or other medical evidence demonstrates that he was medically incapable of conceiving a child during the probable period of conception;

(ii) that the putative father had no access to the child's mother during the probable period of conception;

(iii) that the putative father has, or had, an identical twin who had sexual relations with the child's mother during the probable period of conception; or

(iv) the putative father presents evidence in the form of an affidavit that another man has engaged in sexual relations with the mother of the child in question during the period of probable conception. In this case, the court shall order genetic testing of that other man in conformity with this section. The results of that genetic test must indicate that the other man has a statistical probability of paternity of ninety-five (95%) or greater to establish an effective defense pursuant to this subdivision.

(D)(i) If, after test results showing a statistical probability of ninety-nine (99%) or greater, the putative father is able to show by clear and convincing evidence to the court that one of the enumerated defenses in subdivision (2)(C) is present, the matter shall be set for trial before the court without a jury.

(ii) If the putative father does not raise one of the enumerated defenses in subdivision (2)(C) or does not establish by clear and convincing evidence that one of the enumerated defenses in subdivision (2)(C) is present after test results showing a statistical probability of paternity of ninety-nine (99%) or greater, the court shall, upon motion by the other party, establish that individual as the father of the child in question, and shall order child support as required by the provisions of Title 36, Chapter 5.

(E) An affidavit documenting the chain of custody of any specimen used in any test pursuant to this section is admissible to establish the chain of custody.

(3) All costs relative to the tests and comparisons under this section shall be paid initially by the party requesting such tests with the final allocation of costs awaiting the outcome of the proceedings at which time the court shall determine the proper allocation of costs. Costs for initial tests requested by the department of human services or its contractors or any other state agency shall be paid by those entities with the costs to be recovered in any parentage proceeding from the person established as parent of the child.

AND FURTHER AMEND subdivision (d)(2) of SECTION 62 of the amendatory language of Children and Family Affairs Committee Amendment No. 1 by adding the language "or to any other clerk to whom the clerk of the court has opted to have the collection of support conducted" immediately after the language "clerk of the court".

AND FURTHER AMEND SECTION 72 of the amendatory language of Children and Family Affairs Committee Amendment No. 1 by deleting subdivisions (3)(A) through (D) in their entireties and by substituting instead the following:

(3)(A) When the court enters an order in which the paternity of a child is determined or support is ordered, enforced or modified for a child, each individual who is a party to any action pursuant to this part shall be immediately required to file with the court and, if the case is a Title IV-D child support case, shall immediately file with the local Title IV-D child support office and shall update, as appropriate, the party's:

- (i) Full name and any change in name;
- (ii) Social security number and date and place of birth;
- (iii) Residential and mailing addresses;
- (iv) Home telephone numbers;
- (v) Driver's license number;
- (vi) The name, address, and telephone number of the person's employer; and,
- (vii) The availability and cost of health insurance for the child.

The requirements of this subdivision may be included in the court's order.

(D) Each individual who is a party must update changes in circumstances of the individual for the information required by subdivision (3)(A) within ten (10) days of the date of such change. At the time of the entry of the first order pertaining to child support after the effective date of this act, clear written notice shall be given to each party of the requirements of this subsection, procedures for complying with the subsection and a description of the effect or failure to comply. Such requirement may be noted in the order of the court.

(E) In any subsequent child support enforcement action, the delivery of written notice as required by Tennessee Rule of Civil Procedure 5 to the most recent residential or employer address shown in the court's records or the Title IV-D agency's records as required in (3)(A) shall be deemed to satisfy due process requirements for notice and service of process with respect to that party if there is a sufficient showing and the court is satisfied that a diligent effort has been made to ascertain the location and whereabouts of the party.

(F) Upon motion of either party, upon a showing of domestic violence or the threat of such violence, the court may enter an order to withhold from public access the address, telephone number, and location of the alleged victim(s) or threatened victims of such circumstances. The clerk of the court shall withhold such information based upon the court's specific order but may not be held liable for release of such information.

AND FURTHER AMEND by deleting SECTION 97 of the amendatory language of Children and Family Affairs Committee Amendment No. 1 in its entirety and by substituting instead the following language:

SECTION 97. Tennessee Code Annotated, Section 36-5-101(a)(5) is amended by deleting the language "If the full amount of child support is not paid by the fifth day of the month following the month in which the ordered support is due" in the third sentence and by substituting instead the language "If the full amount of child support is not paid by the date upon which the ordered support is due".

AND FURTHER AMEND SECTION 99 of the amendatory language of Children and Family Affairs Committee Amendment No. 1 by adding the following new subsection (d):

(d) Prior to the filing of a notice of rulemaking for permanent rules pursuant to this section, the rules shall be sent by the department for review by an advisory group composed of two (2) representatives of the state court clerks' conference appointed by the president of the state court clerks' association, two (2) representatives of the judges of courts which have child support responsibilities who will be appointed by the chief justice of the supreme court, a representative of the administrative office of the courts, and two (2) representatives of the department of human services designated by the commissioner. Nothing contained herein shall be construed to prevent

the department from filing any notice of rulemaking prior to or at the time the proposed permanent rules are sent to the advisory group where the department determines that immediate filing of the notice without prior review by the advisory group is necessary to meet any requirements relative to the potential expiration of public necessity or emergency rules or to comply with any federal statutory or regulatory requirements or any federal policy directives, nor shall the requirement of this subsection be construed to supersede any requirements of subsection (c).

AND FURTHER AMEND by deleting the last sentence of Section 101 of the amendatory language of Children and Family Affairs Committee Amendment No. 1 and by substituting instead the following:

Section 99, Section 100 and Section 101 of this act shall become effective upon becoming a law, the public welfare requiring it.

AND FURTHER AMEND by adding the following as a new Section 100 in the amendatory language of Children and Family Affairs Committee Amendment No. 1 and appropriately re-numbering subsequent Sections:

SECTION 100. Title 36, Chapter 5, Part 1 is amended by adding the following as a new section:

36-5-1___. Court clerks coordinating council; approval of plan for collections and disbursements; contract for collection and distribution of support by clerks --

(a)(1) There shall be created a court clerks child support coordinating council , the purposes of which shall be:

(A) to study the impact of the provisions of Section 312 of Title III of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (42 U.S.C. 654B(a)(3)) as it affects the collection and distribution of child support by the clerks of court in order to determine the most appropriate manner by which the clerks may continue their role in the collection and distribution of child support in compliance with 42 U.S.C. 654B and any implementing regulations,

and;

(B) to propose solutions for the purposes of subdivision (1)(A) and to implement any suitable arrangement for the continuance of such role as provided herein.

(b) The council shall consist of a juvenile court clerk, a clerk and master, and a circuit court clerk who are appointed by the president of the State Court Clerks Conference; a

representative of the Tennessee Bankers Association; a representative of the Tennessee Association of Business; the comptroller of the treasury or designee; the director of the Administrative Office of the Courts, or designee; and the commissioner of the department of human services, or designee.

(c) All members of the council shall serve without compensation, but shall be reimbursed by the state court clerks conference for travel, meals and lodging at the same rates approved for state travel by the commissioner of finance and administration and approved by the attorney general and reporter.

(d)(1) If a plan for the continued involvement of the court clerks in the collection and distribution of child support pursuant to the provisions of 42 U.S.C. 654B is approved by the United States Department of Health and Human Services, the court clerks conference may contract with a single court clerk, a group of clerks or with one or more financial institutions to establish procedures for the collection and distribution of child and spousal support and to provide one central location to which employers shall transmit income withholding of child or spousal support obligations, whether by electronic funds transfer or otherwise, pursuant to 42 U.S.C. 654B.

(2) Clerks' fees permitted by statute for the collection of support pursuant to such contract may be apportioned by the state court clerks conference among the members of the conference who elect to participate in such contract.

(e) The contract terms shall be approved by the coordinating council and by the attorney general and reporter, and shall require that the contractor operate the collection and distribution of child or spousal support under all applicable provisions Title IV-D of the Social Security Act (42 U.S.C. 651 et seq.) and its implementing regulations and pursuant to any requirements of state law or regulations relative to the collection or distribution of support.

(f) The costs of such a contract and the costs associated with developing, implementing, and operating the central payment location or locations, including, but not limited to any modifications to any computer systems operated by the court clerks or by the department of human services or any agency of the state and all costs of conversion of data, shall be paid by the court clerks. All liability pursuant to the contract shall be assumed by the state court clerks conference. The

state of Tennessee and its agencies, officers and employees shall have no liability under such contract.

(g) All provisions which relate to the confidentiality of child support records pursuant to any provision of state or federal law or regulation shall apply to the records in the control and possession of the contractor.

(h)(1) The plan for operation of the disbursement unit must be approved by the United States Department of Health and Human Services at least nine (9) months prior to the required Federal implementation date or any extensions of such date.

(2) If approval is received, the disbursement unit process as authorized by this section must be operational no later than the required Federal implementation date.

AND FURTHER AMEND SECTION 10 of the amendatory language of Children and Family Affairs Committee Amendment No. 1 by adding the following new subsection (b):

(b) Notwithstanding any other provisions of this section, information which is required to be provided to the department of human services, its contractors or agent by the department of employment security shall not be further disclosed or utilized except to the extent permitted and for the purposes allowable pursuant to § 50-7-701 or under applicable federal or state law or regulations.

On motion, Amendment No. 1 to Amendment No. 1 was adopted.

Rep. Turner (Hamilton) moved to Amend as follows:

Amendment No. 2 to Amendment No. 1

AMEND House Bill No. 1810 by deleting Sections 30, 31 and 32.

On motion, Amendment No. 2 to Amendment No. 1 was adopted.

On motion, Rep. Turner (Hamilton) withdrew Children & Family Affairs Committee Amendment No. 3 to Amendment No. 1.

On motion, Amendment No. 1, as amended, was adopted.

Rep. Kernell moved adoption of Government Operations Committee Amendment No. 1 as House Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 1810 by deleting SECTION 99 of Children and Family Affairs Committee Amendment No. 1 in its entirety and by substituting instead the following:

SECTION 99. Tennessee Code Annotated, Title 71, Chapter 1, Part 1 is amended by adding the following as a new section:

(a)(1) The department shall have rulemaking authority to establish any rules necessary for the administration of the child support program operated pursuant to Title IV-D of the Social Security Act and shall have rulemaking authority to establish any rules to carry out the requirements of any title or part of any title which the department administers and which are necessary to implement the provisions of the Title IV-D child support program and to effectuate any federal legislative or regulatory changes.

(2) Notwithstanding any law to the contrary, the department shall have authority upon passage of this act to promulgate any public necessity rules, following approval by the attorney general and reporter pursuant to § 4-5-209, to implement the provisions of this act or of any title or part of any title which the department administers and which may be necessary to implement the provisions of this act, which public necessity rules shall become effective upon the effective date of any provisions of this act if the implementation period of any provisions of this act occurs before July 1, 1998; provided, however, that the department shall promulgate permanent rules to implement the provisions of this act pursuant to a rulemaking hearing as required by title 4, chapter 5. Nothing in this subsection shall be construed to abrogate the ability of the department at anytime to utilize the provisions for implementing public necessity or emergency rules as otherwise permitted by the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(b) Notwithstanding any other state law to the contrary, the department shall have the authority to immediately implement any federal legislative or regulatory changes by public necessity rules following approval by the attorney general and reporter pursuant to § 4-5-209 if such federal legislative or regulatory changes occur before July 1, 1998; provided, however, that permanent rules shall be promulgated pursuant to the provisions of the Uniform Administrative Procedures Act, compiled in title 4, chapter 5. Nothing in this subsection shall be construed to abrogate the ability of the department at anytime to utilize the provisions for implementing public necessity or emergency rules as otherwise permitted by the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(c) Notwithstanding any other law to the contrary, any forms mandated by the Secretary of the United States Department of Health and Human Services which are required to be utilized by the department of human services in any aspect of the Title IV-D child support program administered by the department shall be implemented immediately by public necessity rule of the department following approval by the attorney general and reporter pursuant to § 4-5-209, and shall, in all respects, immediately supersede any forms in use at the time the department implements the use of such federal forms by public necessity rule. Any requirements of the laws or regulations of this state which are inconsistent with the language or procedures established by such federal forms shall be subordinate to the requirements imposed by such federal forms.

(d) Prior to the filing of a notice of rulemaking for permanent rules pursuant to this section, the rules shall be sent by the department for review by an advisory group composed of two (2) representatives of the state court clerks' conference appointed by the president of the state court clerks' association, two (2) representatives of the judges of courts which have child support responsibilities one of whom will be appointed by the chief justice of the supreme court and one of whom will be appointed by the president of the council of juvenile and family court judges a representative of the administrative office of the courts, and two (2) representatives of the department of human services designated by the commissioner. Nothing contained herein shall be construed to prevent the department from filing any notice of rulemaking prior to or at the time the proposed permanent rules are sent to the advisory group where the department determines that immediate filing of the notice without prior review by the advisory group is necessary to meet any requirements relative to the potential expiration of public necessity or emergency rules or to comply with any federal statutory or regulatory requirements or any federal policy directives, nor shall the requirement of this subsection be construed to supersede any requirements of subsection (c).

On motion, Amendment No. 2 was adopted.

Rep. Kernell moved adoption of Government Operations Committee Amendment No. 2 as House Amendment No. 3 as follows:

Amendment No. 3

AMEND House Bill No. 1810 by adding the following as a new section to precede the effective date section:

SECTION _____. The department, local agencies and their contractors and agents shall comply with the provisions of Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 200d et seq. in administering the provisions of this act.

On motion, Amendment No. 3 was adopted.

Rep. Bowers moved that Amendment No. 4 be withdrawn, which motion prevailed.

Rep. Bowers moved adoption of Amendment No. 5 as follows:

Amendment No. 5

AMEND House Bill No. 1810 by deleting Section 45 in its entirety and by substituting instead the following:

Section 45. Tennessee Code Annotated, Section 68-3-305(b), is amended by adding the following language to the end of subdivision (2)(B):

A voluntary acknowledgment of paternity may be completed by a minor if a parent or legal guardian of the minor is present and consents at the time of completion of the acknowledgment.

On motion, Amendment No. 5 was adopted.

Rep. Stamps moved that **House Bill No. 1810**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 98

Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

House Bill No. 1152 -- Banks and Financial Institutions - Expands local government regulatory authority over pawnbrokers. Amends TCA Title 45, Chapter 6. by *Towns, *McDaniel. (*SB596 by *Kyle, *Dixon)

On motion, House Bill No. 1152 was made to conform with **Senate Bill No. 596**; the Senate Bill was substituted for the House Bill.

Rep. Towns moved that Senate Bill No. 596 be passed on third and final consideration.

On motion, Rep. Phelan withdrew Commerce Committee Amendment No. 1.

Rep. Phelan moved adoption of Commerce Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 596 by deleting Section 1, as amended, and substituting instead the following and renumbering the subsequent sections accordingly:

SECTION 1. Tennessee Code Annotated, 45-6-204(a)(7), is amended by deleting the language "fifteen (15) days" and substituting instead the language "twenty (20) business days".

SECTION 2. Tennessee Code Annotated, 45-6-219(a)(6), is amended by deleting the language "fifteen (15) days" and substituting instead the language "twenty (20) business days".

On motion, Amendment No. 2 was adopted.

Rep. Towns moved adoption of Amendment No. 3 as follows:

Amendment No. 3

AMEND Senate Bill No. 596 by adding the following as new sections of the printed bill as amended, to be appropriately designated:

Section _____. Tennessee Code Annotated, Section 45-6-206(a)(5), is amended by inserting the words "and shall electronically transfer such information" between the words "information" and "on".

Section _____. Tennessee Code Annotated, Section 45-6-221, is amended by inserting the words "and shall electronically transfer such information" between the words "information" and "on".

On motion, Amendment No. 3 was adopted.

Rep. Towns moved to reconsider action in adopting Amendment No. 3, which motion prevailed.

Rep. Towns moved that Amendment No. 3 be withdrawn, which motion prevailed.

Rep. Towns requested that Senate Bill No. 596 be moved down 5 places on the Calendar.

***House Bill No. 636** -- Insurance, Health, Accident - Requires minimum of 48 hours in-patient care in hospital following mastectomy; requires notice of such coverage to policyholders, enrollees or subscribers. Amends TCA Title 56, Chapter 7, Part 25. by *Turner (Hamilton), *Chumney. (SB1406 by *Graves)

Rep. Turner (Hamilton) moved that House Bill No. 636 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 636 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. Nothing contained herein shall be construed as applying to medical assistance programs funded with state and federal funds, if such programs require the provision of services as medically necessary.

On motion, Amendment No. 1 was adopted.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 636 by deleting the amendatory language of Section 1 in its entirety and inserting in lieu thereof the following:

Every individual, franchise, blanket or group health insurance policy, medical service plan contract, fraternal benefit society, or health maintenance organization that provides coverage for surgical procedures for a mastectomy and is delivered, issued for delivery, amended or renewed on or after January 1, 1998, shall provide coverage for a hospital stay as determined to be medically necessary by the patient's physician in consultation with the patient and the payor. No provider shall be denied participation, reimbursement or reduction in reimbursement with a network solely related to the compliance with this section.

AND FURTHER AMEND by deleting the effective date section in its entirety, and by substituting instead the following language:

SECTION _____. This act shall take effect July 1, 1997, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Rep. Turner (Hamilton) moved that **House Bill No. 636**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 1042 -- Drugs - Makes certain changes relative to fines for drug offenses. Amends TCA Title 39, Chapter 17, Part 4. by *Ritchie, *Hargrove. (*SB1384 by *Gilbert)

Rep. Ritchie moved that House Bill No. 1042 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1042 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-17-428, is amended by deleting subsection (b)(4), (b)(5) and (b)(6) and substituting instead the following:

(4) First conviction for all misdemeanor drug offenses other than those specified in subsection (b)(1)
.....750

(5) Second conviction for all misdemeanor drug offenses other than those specified in subsection (b)(2)
.....850

(6) Third or subsequent conviction for all misdemeanor drug offenses other than those specified in subsection (b)(3) .
.....1,000

SECTION 2. This act shall take effect July 1, 1997, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Ritchie moved that **House Bill No. 1042**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	98
Noes	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

Representatives voting no were: Turner (Shelby) -- 1.

A motion to reconsider was tabled.

MOTION TO RECONSIDER

Rep. L. DeBerry moved to lift from the table the motion to reconsider House Bill No. 1036, which motion prevailed.

House Bill No. 1036 -- Massage - Revises from October 1, 1995 to October 1, 1997, when person may certify that has completed 500 hours of massage in order to be eligible for massage therapist license. Amends TCA Title 63, Chapter 18, Part 2. by *Ritchie, *DeBerry L. (*SB1429 by *Gilbert)

Rep. L. DeBerry moved to reconsider action in passing House Bill No. 1036, which motion prevailed.

Rep. L. DeBerry moved that House Bill No. 1036, as amended, be passed on third and final consideration.

Rep. L. DeBerry moved adoption of Amendment No. 4 as follows:

Amendment No. 4

AMEND House Bill No. 1036 by deleting all language after the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 63-18-205, is amended by adding the following as a new, appropriately designated subsection:

Notwithstanding any other provision of law, rule or regulation to the contrary, due to special circumstances, any applicant who: (1) has been engaging in massage therapy on the premises of a non-profit health facility for not less than twenty-nine (29) years; (2) is legally blind; and (3) has five hundred (500) hours of documented experience as an unlicensed massage therapist before October 1, 1995 may make application to the Tennessee Massage Licensure Board for a license provided that verification of these qualifications is received by the board administrative office on or before October 1, 1997.

Section 2. Tennessee Code Annotated, Section 63-18-205(b)(3), is amended by deleting item (D) and by substituting instead the following:

(D) Accrued, prior to October 1, 1995, five hundred (500) hours of documented experience as a massage therapist with the documented experience satisfactorily presented to the board within eighteen (18) months of October 1, 1995; and

Section 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 4 was adopted.

Rep. L. DeBerry moved that **House Bill No. 1036**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 98
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker,

Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

REGULAR CALENDAR, CONTINUED

House Bill No. 928 -- Taxes, Real Property - Allows property tax exemption applications to be filed up to one year after requested date of exemption; provides for refund of payments made prior to exemption, subject to appropriation. Amends TCA Section 67-5-212. by *Caldwell, *Ferguson. (*SB904 by *McNally)

Rep. Caldwell moved that House Bill No. 928 be passed on third and final consideration.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 928 by deleting Section 2 in its entirety and by renumbering Section 3 as Section 2.

On motion, Amendment No. 1 was adopted.

Rep. Caldwell moved that **House Bill No. 928**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	99
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odum, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

House Bill No. 1816 -- Business Organizations - Mandates that secretary of state strictly administer and enforce all statutes requiring limited liability companies to file documents, submit information or pay fees; doubles LLC annual fees. Amends TCA Section 48-247-101 and Section 48-247-103. by *Wood, *McDaniel, *Kisber, *Stamps, *Davis R. (*SB1706 by *Gilbert, *McNally, *Atchley, *Elsea, *Person, *Jordan, *Miller J, *Ramsey, *Williams, *Carter, *Crowe, *Koella)

Rep. Wood requested that House Bill No. 1816 be moved down 5 places on the Calendar.

***House Bill No. 370** -- Criminal Offenses - Provides for enhanced punishment for certain crimes committed by criminal gang members. Amends TCA Title 39 and Title 40. by *Kent, *McMillan, *Buck, *Jackson, *Hargrove, *Sands, *Ritchie, *Westmoreland, *Newton, *Naifeh, *Stamps, *Pleasant, *Haley, *Beavers, *Scroggs, *Hargett, *Pinion, *Hassell, *Goins, *McDonald, *Fitzhugh, *Bittle, *Maddox, *Turner (Hamilton), *Stulce, *Mumpower, *Walley, *Halteman Harwell, *Godsey, *Roach, *McDaniel. (SB1216 by *Kyle, *Springer, *Kyle)

Rep. Kent moved that House Bill No. 370 be passed on third and final consideration.

Rep. McMillan moved that Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 370 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 35, Part 1, is amended by adding the following new section to be designated as 40-35-121.

40-35-121. Criminal Gang Offenses -- Enhanced Punishment -- Procedure. --

(a) As used in this section unless the context otherwise requires:

(1) "Criminal gang" means a formal or informal ongoing organization, association, or group consisting of three (3) or more persons that has:

(A) As one (1) of its activities the commission of criminal acts; and

(B) Two (2) or more members who, individually or collectively, engage in or have engaged in a pattern of criminal gang activity;

(2) "Criminal gang member" is a person who is a member of a criminal gang and who meets two (2) or more of the following criteria:

(A) Admits to criminal gang involvement;

(B) Is identified as a criminal gang member by a parent or guardian;

(C) Is identified as a criminal gang member by a documented reliable informant;

(D) Resides in or frequents a particular criminal gang's area, adopts their style or dress, their use of hand signs or their tattoos, and associates with known criminal gang members;

(E) Is identified as a criminal gang member by an informant of previously untested reliability and such identification is corroborated by independent information;

(F) Has been arrested more than once in the company of identified criminal gang members for offenses which are consistent with usual criminal gang activity; or

(G) Is identified as a criminal gang member by physical evidence such as photographs or other documentation;

(3)

(A) "Pattern of criminal gang activity" means prior convictions for the commission or attempted commission of, or solicitation or conspiracy to commit:

(i) Two (2) or more criminal gang offenses that are classified as felonies; or

(ii) Three (3) or more criminal gang offenses that are classified as misdemeanors; or

(iii) One (1) or more criminal gang offense that is classified as a felony and two (2)

or more criminal gang offenses that are classified as misdemeanors; and

(iv) The criminal gang offenses are committed on separate occasions; and

(v) The criminal gang offenses are committed within a five (5) year period.

(B)

(i) As used in this subsection "prior conviction" means a criminal gang offense for which a criminal gang member was convicted prior to the commission of the instant criminal gang offense by the defendant and includes convictions occurring prior to July 1, 1997.

(ii) "Prior conviction" includes convictions under the laws of any other state, government, or country which, if committed in this state, would have constituted a criminal gang offense. In the event that a conviction from a jurisdiction other than Tennessee is not specifically named the same as a criminal gang offense, the elements of the offense in the other jurisdiction shall be used by the Tennessee court to determine if such offense is a criminal gang offense.

(iii) Convictions for multiple criminal gang offenses committed as part of a single course of conduct within twenty-four (24) hours are not committed on "separate occasions". However, acts which constitute criminal gang offenses under subsection (4)(A) of this section shall not be construed to be a single course of conduct;

(4) "Criminal gang offense" means any violation of Tennessee law:

(A) During the perpetration of which the defendant knowingly causes, or threatens to cause, death or bodily injury to another person or persons and specifically includes rape of a child, aggravated rape and rape; or

(B) That results, or was intended to result, in the defendant receiving income, benefit, property, money or anything of value from the illegal sale, delivery or manufacture of a controlled substance or firearm.

(b) A criminal gang offense committed by a defendant who was a criminal gang member at the time of such offense shall be punished one (1) classification higher than the classification established by the specific statute creating the offense committed.

(c) A criminal gang offense committed by a defendant who was not a criminal gang member at the time of such offense but who committed such offense for the purpose of and with the intent to fulfill an initiation or other requirement for joining a criminal gang as defined in subsection (a)(1) of this section shall be punished one (1) classification higher than the classification established by the specific statute creating the offense committed.

(d) If the criminal gang offense subject to enhancement under subsection (b) or (c) is a Class A felony, the presumptive sentence for such offense shall be the maximum sentence within the range from which the defendant is to be sentenced.

(e) A criminal gang offense committed by a defendant who was a criminal gang member at the time of such offense shall be punished two (2) classifications higher than the classification established by the specific statute creating the offense committed if the criminal gang member was also a leader or organizer of the criminal gang at the time the offense was committed.

(f) If the criminal gang offense subject to enhancement under subsection (e) is a Class A or B felony, the criminal gang member shall be sentenced as a Class A felon and the presumptive sentence for such offense shall be the maximum sentence within the range from which the defendant is to be sentenced.

(g) If the defendant is charged with a criminal gang offense and the district attorney general intends to seek enhancement of the punishment under subsections (b), (c) or (e), the indictment, in a separate count, shall specify, charge and give notice of the subsection under which enhancement is alleged applicable and of the required prior convictions constituting such gang's pattern of criminal gang activity.

(h) If the defendant is convicted of the underlying criminal gang offense, the jury shall then separately consider whether the defendant was at the time of the offense:

(1) A criminal gang member;

(2). A criminal gang member and a leader or organizer of the gang; or

(3) Not a criminal gang member but committed the offense for the purpose of joining a criminal gang.

If the jury convicts the defendant under subpart (1), (2) or (3) of this subsection, the court shall pronounce judgment and sentence the defendant as provided in this section.

SECTION 2. Tennessee Code Annotated, Section 39-11-106, is amended by deleting subsection (a)(36) in its entirety.

SECTION 3. Tennessee Code Annotated, Section 40-35-114, is amended by deleting subpart (21) in its entirety.

SECTION 4. This act shall take effect on July 1, 1997, the public welfare requiring it and shall apply to all criminal gang offenses committed on or after such date.

Rep. McMillan moved to amend as follows:

Amendment No. 1 to Amendment No. 2

AMEND House Bill No. 370 in the amendatory language of Section 1 in Section 40-35-121 by inserting in subdivision (a)(2) the language ", as defined in subdivision (1) of this subsection," between the language "criminal gang" and "and who meets".

On motion, Amendment No. 1 to Amendment No. 2 was adopted.

On motion, Amendment No. 2, as amended, was adopted.

Rep. Fitzhugh moved the previous question, which motion prevailed.

Rep. Kent moved that **House Bill No. 370**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 96
Noes 2

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odum, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp,

Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

Representatives voting no were: Brooks, Turner (Shelby) -- 2.

A motion to reconsider was tabled.

***Senate Bill No. 596** -- Banks and Financial Institutions - Expands local government regulatory authority over pawnbrokers. Amends TCA Title 45, Chapter 6. by *Kyle, *Dixon. (HB1152 by *Towns, *McDaniel)

Further consideration of Senate Bill No. 596, previously considered on today's Calendar, at which time the Senate Bill was substituted for the House Bill and the House adopted Amendment(s) No(s). 2 and 3.

Rep. Towns moved that Senate Bill No. 596, as amended, be passed on third and final consideration.

Rep. Towns moved adoption of Amendment No. 4 as follows:

Amendment No. 4

AMEND Senate Bill No. 596 by inserting in the amendatory language of Section 1 of Amendment 1 the word "business" between the word "twenty" and the figure "(20)".

On motion, Amendment No. 4 was adopted.

Rep. Towns moved that **Senate Bill No. 596**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 99
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

House Bill No. 1022 -- Judges and Chancellors - Gives judge or lawyer sitting as substitute judge same immunity as judge for whom sitting; allows general sessions judge and juvenile judge to interchange without being resident of county; establishes procedure for appointment of and limitations upon substitute judges in general sessions court - Amends TCA Title 16 and Title 17. by *Buck, *Cole (Dyer), *Rinks. (*SB1003 by *Person, *Jordan)

Rep. Buck moved that House Bill No. 1022 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1022 by deleting the amendatory language in Section 3(b) and by substituting instead the following:

(b) A general sessions or juvenile judge assigned to a court outside their county of residence shall receive reimbursement for travel expenses from the county to which the judge is assigned. Such reimbursement shall be in an amount in accordance with the comprehensive travel regulations promulgated by the supreme court.

AND FURTHER AMEND, by adding a new subsection to the amendatory language of Section 3 and by renumbering the subsequent section accordingly:

(d) A general sessions or juvenile judge may issue and may amend upon showing a change in circumstances, a standing order regarding compliance with subsections (a)(1-4). Such order may include a finding regarding whether a current, former or retired judge will sit by mutual agreement in accordance with subsection (a)(2); whether the Administrative Office of the Courts can comply with emergency requests for substitute judges in less than seventy-two (72) hours in accord with subsection (a)(3) and, the list of lawyers to be contacted on a rotating basis under subsection (a)(4).

AND FURTHER AMEND by deleting in Section 6(b), the language "A full-time" and by substituting instead the word "An".

On motion, Amendment No. 1 was adopted.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 1022 by deleting the language of subdivision (a)(4)(A) of Section 3 of the printed bill in its entirety.

On motion, Amendment No. 2 was adopted.

Rep. Buck moved adoption of Amendment No. 3 as follows:

Amendment No. 3

AMEND House Bill No. 1022 by deleting the amendatory language of SECTION 3(a)(4)(A) and (B) and substituting instead:

(A) The lawyer may preside only if the parties and counsel are notified that the duly elected or appointed judge will be absent and that a practicing lawyer will serve as a special judge.

(B) The parties choose to proceed and not to continue the case pending return of the duly elected or appointed judge.

Rep. Buck requested that House Bill No. 1022 be moved down 5 places on the Calendar.

House Bill No. 597 -- Sexual Offenses - Makes unlawful sexual penetration of victim aggravated rape where defendant causes victim to be mentally incapacitated or physically helpless by use of controlled substance. Amends TCA Title 39, Chapter 13, Part 5. by *Chumney, *Boner. (*SB22 by *McNally, *Person, *Fowler, *Miller J, *Haun, *Rochelle, *Atchley, *Carter)

On motion, House Bill No. 597 was made to conform with **Senate Bill No. 22**; the Senate Bill was substituted for the House Bill.

Rep. Chumney moved that Senate Bill No. 22 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 22 by deleting all language after the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 39-13-503, is amended by adding the following new subsection:

(c) When imposing sentence under the provisions of Tennessee Code Annotated, Title 40, Chapter 35, for a conviction under this section, the court shall consider as an enhancement factor that the defendant caused the victim to be mentally incapacitated or physically helpless by use of a controlled substance.

Section 2. Tennessee Code Annotated, Section 39-13-522, is amended by adding the following new subsection:

(c) When imposing sentence under the provisions of Tennessee Code Annotated, Title 40, Chapter 35, for a conviction under this section, the court shall consider as an enhancement factor that the defendant caused the victim to be mentally incapacitated or physically helpless by use of a controlled substance.

Section 3. Tennessee Code Annotated, Section 39-13-504, is amended by adding the following new subsection:

(c) When imposing sentence under the provisions of Tennessee Code Annotated, Title 40, Chapter 35, for a conviction under this section, the court shall consider as an enhancement factor that the defendant caused the victim to be mentally incapacitated or physically helpless by use of a controlled substance.

Section 4. Tennessee Code Annotated, Section 39-13-502, is amended by adding the following new subsection:

(c) When imposing sentence under the provisions of Tennessee Code Annotated, Title 40, Chapter 35, for a conviction under this section, the court shall consider as an enhancement factor that the defendant caused the victim to be mentally incapacitated or physically helpless by use of a controlled substance.

Section 5. Tennessee Code Annotated, Section 39-13-505, is amended by adding the following new subsection:

(c) When imposing sentence under the provisions of Tennessee Code Annotated, Title 40, Chapter 35, for a conviction under this section, the court shall consider as an enhancement factor that the defendant caused the victim to be mentally incapacitated or physically helpless by use of a controlled substance.

Section 6. This act shall take effect July 1, 1997, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 22 by deleting all language after the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 39-13-503, is amended by adding the following new subsection:

(c) When imposing sentence under the provisions of Tennessee Code Annotated, Title 40, Chapter 35, for a conviction under this section, the court shall consider as an enhancement factor that the defendant caused the victim to be mentally incapacitated or physically helpless by use of a controlled substance.

Section 2. Tennessee Code Annotated, Section 39-13-522, is amended by adding the following new subsection:

(c) When imposing sentence under the provisions of Tennessee Code Annotated, Title 40, Chapter 35, for a conviction under this section, the court shall consider as an enhancement factor that the defendant caused the victim to be mentally incapacitated or physically helpless by use of a controlled substance.

Section 3. Tennessee Code Annotated, Section 39-13-505, is amended by adding the following new subsection:

(c) When imposing sentence under the provisions of Tennessee Code Annotated, Title 40, Chapter 35, for a conviction under this section, the court shall consider as an enhancement factor that the defendant caused the victim to be mentally incapacitated or physically helpless by use of a controlled substance.

Section 4. This act shall take effect July 1, 1997, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Rep. Chumney moved that **Senate Bill No. 22**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 1443 -- TennCare - Requires program to make providers available to enrollees within 20 minutes or 20 miles of the residence, whichever is less. Amends TCA Title 56; Title 68 and Title 71. by *Rinks, *Head, *Fitzhugh, *Pinion, *Maddox, *White, *Tidwell, *Cole (Dyer), *Phelan, *McKee, *Ridgeway, *Cross, *Kisber, *Whitson, *McDaniel, *Lewis, *Walley. (*SB1640 by *Herron, *Henry)

Rep. Rinks requested that House Bill No. 1443 be moved down 2 places on the Calendar.

House Bill No. 1816 -- Business Organizations - Mandates that secretary of state strictly administer and enforce all statutes requiring limited liability companies to file documents, submit information or pay fees; doubles LLC annual fees. Amends TCA Section 48-247-101 and Section 48-247-103. by *Wood, *McDaniel, *Kisber, *Stamps, *Davis R. (*SB1706 by *Gilbert, *McNally, *Atchley, *Elsea, *Person, *Jordan, *Miller J, *Ramsey, *Williams, *Carter, *Crowe, *Koella)

Further consideration of House Bill No. 1816, previously considered on today's Calendar.

Rep. Woods requested that House Bill No. 1816 be moved down 2 places on the Calendar.

House Bill No. 1758 -- Mental Illness - Requires department to establish system for assuring essential mental health services for persons not eligible for TennCare. Amends TCA Title 33, Chapter 2. by *Eckles, *Givens, *Head, *DeBerry J, *Pruitt, *Turner (Hamilton), *McMillan, *Cole (Carter), *Fitzhugh, *Kent, *Stulce, *Brown, *Wood, *Bowers, *Brooks, *Turner (Shelby), *Miller L, *Jones U (Shelby), *Fraley. (*SB107 by *Rochelle)

Rep. Eckles moved that House Bill No. 1758 be passed on third and final consideration

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1758 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 33, is amended by adding the following language:

As used in this title unless the context requires otherwise, terms shall have the following meanings:

(1) "Community mental health center" means a private entity qualified as a tax exempt organization under Internal Revenue Code 501(c)(3) or a public entity created by private act of the general assembly; provided, however, prior to July 1, 1992, such entity must have been an approved provider in Tennessee under the Medicaid Clinic Option and a grantee of the department of mental health and mental retardation. If any such entity underwent a corporate name change or corporate restructuring since July 1, 1992, then the successor or surviving corporation shall be deemed to be a community mental health center for purposes of this definition.

(2) "Community mental health agency" means a private entity qualified as a tax exempt organization under Internal Revenue Code 501(c)(3) or a public entity created by private act of the general assembly which was a grantee of the department of mental health and mental retardation for fiscal year 1995-1996. If any such entity underwent a corporate name change or corporate restructuring since July 1, 1995, then the successor or surviving corporation shall be deemed to be a community mental health agency for purposes of this definition.

SECTION 2. On or before March 2, 1998, the comptroller of the treasury shall perform an evaluation of the mental health services delivery system in Tennessee and shall report to the general assembly on the extent, if any, to which there is a need for appropriate state actions to ensure that:

(a) a continuum of essential mental health services is readily available and accessible to citizens throughout the state who for any reason are not eligible for services through the Medicaid program or any waiver granted under the Medicaid program, specifically including the TennCare program; and/or

(b) mental health counseling, treatment and support services are readily available and accessible to citizens throughout the state who are affected by disastrous, catastrophic or unforeseen events of great misfortune or public loss.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Eckles moved that **House Bill No. 1758**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	96
Noes	0

Representatives voting aye were: Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 1443 -- TennCare - Requires program to make providers available to enrollees within 20 minutes or 20 miles of the residence, whichever is less. Amends TCA Title 56; Title 68 and Title 71. by *Rinks, *Head, *Fitzhugh, *Pinion, *Maddox, *White, *Tidwell, *Cole (Dyer), *Phelan, *McKee, *Ridgeway, *Cross, *Kisber, *Whitson, *McDaniel, *Lewis, *Walley. (*SB1640 by *Herron, *Henry)

Further consideration of House Bill No. 1443, previously considered on today's Calendar.

Rep. Rinks moved that House Bill No. 1443 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as follows:
Amendment No. 1

AMEND House Bill No. 1443 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 71-5-106, is amended by adding the following as a new subdivision (k):

(k) Effective January 1, 1998, if the actual enrollment of non-previously enrolled children under the age of eighteen (18) that began on April 1, 1997, has not reached seventy-five percent (75%) of anticipated enrollment level of fifty thousand (50,000) children, the commissioner of the department of health shall offer enrollment in the Title XIX waiver program (TennCare) to children under age eighteen (18) whose family income is below two hundred percent (200%) of the federal poverty level schedule in effect for calculation of TennCare premiums. Such offer of enrollment in the TennCare program shall be made in accordance with TennCare promulgated rules and regulations. It is the legislative intent that this section be implemented only to the extent that it is determined to be consistent

with the terms, conditions and eligibility criteria of the TennCare waiver as approved by the United States department of health and human services and that state and federal funding is available for such purpose.

SECTION 2. This act shall take effect upon becoming law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Rinks moved that **House Bill No. 1443**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 98
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

House Bill No. 1816 -- Business Organizations - Mandates that secretary of state strictly administer and enforce all statutes requiring limited liability companies to file documents, submit information or pay fees; doubles LLC annual fees. Amends TCA Section 48-247-101 and Section 48-247-103. by *Wood, *McDaniel, *Kisber, *Stamps, *Davis R. (*SB1706 by *Gilbert, *McNally, *Atchley, *Elsea, *Person, *Jordan, *Miller J, *Ramsey, *Williams, *Carter, *Crowe, *Koella)

Further consideration of House Bill No. 1816, previously considered on today's Calendar.

Rep. Hargrove requested that House Bill No. 1816 be moved to the heel of the Calendar.

MESSAGE FROM THE SENATE

May 28, 1997

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 343; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 343 -- Memorials, Death - Benjamin Kirk. by *Harper.

RULES SUSPENDED

Rep. L. DeBerry moved that the rules be suspended for the purpose of introducing Senate Joint Resolution No. 343 out of order, which motion prevailed.

Senate Joint Resolution No. 343 -- Memorials, Death - Benjamin Kirk. by *Harper.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. L. DeBerry, with the request that all members voting aye be added as sponsors, the resolution was adopted by the following vote:

Ayes.....	98
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

REGULAR CALENDAR, CONTINUED

***House Bill No. 595** -- Environmental Preservation - Authorizes reserve within underground storage tank fund to segregate fees and other moneys to fund debt service on obligations issued to fund investigation, cleanup, monitoring and maintenance of petroleum sites Amends various provisions of TCA. by *Head. (SB1033 by *Gilbert)

Rep. Head moved that House Bill No. 595 be passed on third and final consideration.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 595 by deleting all language after the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 68-215-110(h)(3), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(3) Such environmental assurance fee shall be paid and remitted to the department of revenue on a monthly basis at the same time and in the same manner that the special tax on petroleum products is paid and remitted pursuant to title 67, chapter 3, part 9. Such tax collections are hereby appropriated, and are to be allocated and expended on an annual basis only in the following order of priority:

(A) First to the Tennessee local development authority, referred to in this section as the "authority", a sum sufficient to make debt service payments on the authority's bonds or notes, both currently outstanding and those reasonably anticipated to be issued during the fiscal year, issued pursuant to Section 2 of this act, the proceeds of which have been or will be distributed to the board pursuant to a funding agreement, plus any amounts necessary to maintain a fully funded debt reserve or other reserve intended to secure the principal and interest on the bonds or notes as may be required by resolution, or other agreement of the authority, and to pay reasonable administrative costs directly related thereto; and

(B) Second to the board all remaining collections for deposit in the fund.

Prior to the start of each fiscal year, and to the extent necessary during the fiscal year, the following certifications shall be made and delivered to the authority:

(i) the commissioner of finance and administration, the actual expenditures of the fund;

(ii) the commissioner of revenue, the actual collections made pursuant to (h)(1) above;

(iii) the commissioner of environment and conservation, the amount of anticipated expenditures and claims against the fund, excluding payments in (3)(a) above, and the amount of anticipated tank fees collected pursuant to Section 68-215-109; and

(iv) the authority, the amount reasonably anticipated to be necessary to make such payments as provided in (3)(A) above.

Section 2. Tennessee Code Annotated, Title 4, Chapter 31, is amended by adding the following as a new part:

Section _____. This part shall be known and may be cited as the "Tennessee Local Development Authority Leaking Underground Storage Funding Act of 1997".

Section _____. (a) The general assembly finds and declares that the costs incurred in connection with reasonable and safe cleanup with respect to petroleum sites within the state, as provided in title 68, chapter 215, part 1, in this code, are extensive and threaten the state's ability to meet its obligations with respect to the environment.

(b) It is accordingly in furtherance of the interests and welfare of all Tennesseans that the Tennessee local development authority, referred to in this part as the "authority", be empowered to issue revenue bonds and notes and to make the proceeds available to the petroleum underground storage tank board for purposes of providing for the reimbursement of reasonable and safe cleanup of petroleum sites.

(c) It is intended that the authority be vested with all powers necessary to accomplish these purposes.

Section _____. (a) For the purpose of providing moneys for deposit with the petroleum underground storage tank board, the authority, in addition to the powers otherwise created by law, has the power and is hereby authorized to issue from time to time negotiable bonds and notes of the authority in an amount not to exceed fifteen million dollars (\$15,000,000) in accordance with the following terms.

(b) Bonds or notes issued pursuant to the provisions of this part shall not be issued and sold as part of an issue of bonds or notes of the authority issued pursuant to any other provisions of this chapter or any other law; provided, that the foregoing shall not prohibit the issuance of separate issues of bonds or notes pursuant to the provisions of this part.

(c) In addition to powers otherwise granted by law, the authority has the power and is authorized to enter into a funding agreement with the underground storage tank board.

(d) The authority shall determine the amount as will be at least sufficient, together with other funds available therefor, to pay the principal of, and interest on, bonds and notes issued by the authority and to fund a debt service reserve fund. The authority may collect an administrative fee in addition to such schedule for repayment of debt. Such schedule for repayment of debt shall be provided to the commissioners of finance and administration, revenue and environment and conservation.

(e) Prior to the issuance of any debt, there shall be a determination by the authority as to the sufficiency of the tax collections to service such debt.

Section _____. (a) The bonds and notes shall be authorized by resolution of the authority, secured by the deposit of the assurance fee required under Section 68-215-110, under such terms and conditions as deemed appropriate by the authority, provided that such debt, including any renewals or extensions, shall not be outstanding longer than twenty (20) years or the useful life for the funded cleanup, whichever is shorter.

(b) Such bonds and notes of the authority shall not constitute a debt or a pledge of the faith and credit of the state, and the holders or owners of such bonds and notes shall have no right to have taxes levied by the general assembly, or any other taxing authority within the state for the payment of the principal, premium, if any, and interest on such bonds and notes, but such bonds and notes shall be payable solely from the revenues and moneys pledged for their payment.

Section 3. This act shall take effect July 1, 1997, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 595 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. Tennessee Code Annotated, Title 68, Chapter 215, Part 1, is amended by adding the following new section:

Section ____ (a) Any person who contracts to provide investigation, identification, containment, cleanup, monitoring or maintenance of a petroleum site pursuant to the provisions of this chapter shall be subject to the following requirements:

(1) All contracts for such services shall be in writing and shall be signed by the owner, operator or other party obligated to pay for such services.

(2) All such contracts shall clearly indicate which charges and costs are required by the department to remediate the petroleum site to acceptable state standards and which charges are associated with work performed for tasks other than the remediation of the petroleum site to acceptable state standards.

(3) All such contracts shall include an express agreement that is clearly denoted by bold style type or other clearly distinguishable print and that requires the obligated party to initial or execute by a second signature, which agreement shall denote the obligated party's authorization or agreement to pay for all costs for work other than remediation of the petroleum site to acceptable state standards.

(b) Any person who fails to comply with the provisions of this section shall not be entitled to receive any reimbursement from the fund until compliance with this section is demonstrated to the satisfaction of the department.

(c) The provisions of this section shall only apply to contracts or agreements entered into , renewed or extended after June 30, 1997.

On motion, Amendment No. 2 was adopted.

Rep. Newton moved the previous question, which motion prevailed.

Rep. Head moved that **House Bill No. 595**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 98
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs,

Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

House Bill No. 1022 -- Judges and Chancellors - Gives judge or lawyer sitting as substitute judge same immunity as judge for whom sitting; allows general sessions judge and juvenile judge to interchange without being resident of county; establishes procedure for appointment of and limitations upon substitute judges in general sessions court. Amends TCA Title 16 and Title 17. by *Buck, *Cole (Dyer), *Rinks. (*SB1003 by *Person, *Jordan)

Further consideration of House Bill No. 1022, previously considered on today's Calendar, at which time the House adopted Amendment(s) No(s). 1 and 2 and was on the motion to adopt Amendment No. 3.

Rep. Buck moved that House Bill No. 1022, as amended, be passed on third and final consideration.

Rep. Buck moved adoption of Amendment No. 3 as follows:

Amendment No. 3

AMEND House Bill No. 1022 by deleting the amendatory language of SECTION 3(a)(4)(A) and (B) and substituting instead:

(A) The lawyer may preside only if the parties and counsel are notified that the duly elected or appointed judge will be absent and that a practicing lawyer will serve as a special judge.

(B) The parties choose to proceed and not to continue the case pending return of the duly elected or appointed judge.

On motion, Amendment No. 3 was adopted.

Rep. Buck moved that **House Bill No. 1022**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	96
Noes	0
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S.,

Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

Representatives present and not voting were: Brooks -- 1.

A motion to reconsider was tabled.

House Bill No. 1516 -- Pensions and Retirement Benefits - Allows state employees on disability retirement allowance to retain basic medical plan coverage. Amends TCA Title 8, Chapter 27, Part 2. by *McDonald, *Cross, *Newton, *Westmoreland, *Walley, *Windle, *Ridgeway, *Miller L. (*SB1201 by *Graves)

Rep. McDonald moved that House Bill No. 1516 be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Council on Pensions and Insurance Committee Amendment No. 1.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 1516 by adding the following language at the end of the amendatory language of Section 1:

Any retired state employee who is granted a service retirement under the provisions of Tennessee Code Annotated, Title 8, Chapter 36, shall also qualify for a continuation of insurance coverage if they meet the conditions set forth in this subsection and the eligibility criteria established by the state insurance committee.

On motion, Amendment No. 2 was adopted.

Rep. McDonald moved that **House Bill No. 1516**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	96
Noes	0

Representatives voting aye were: Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley,

Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 674 -- Courts, Circuit - Creates seven additional circuit courts; provides for election of judges (13th, 15th, 16th, 21st, 22nd, 25th) Amends TCA Section 16-2-506, by *Hargrove, *Buck. (*SB820 by *Rochelle)

Rep. Hargrove moved that House Bill No. 674 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 674 by inserting the following language as a new, appropriately designated section immediately preceding Section 1 of the printed bill and by renumbering subsequent sections accordingly:

SECTION ___. Tennessee Code Annotated, Section 16-2-506(4)(A), is amended by deleting the semicolon ";" at the end of subsection (4)(A) and substituting instead a period "." and by adding the following to the end of such subsection:

Effective September 1, 1998, there is created an additional circuit court in the fourth judicial district. At the August 1998 general election, the qualified voters of the fourth judicial district shall elect a person in accordance with the provisions of Section 16-2-505, to serve as judge of the circuit court created by this section for an eight (8) year term;

AND FURTHER AMEND by inserting the following language as a new, appropriately designated section immediately preceding Section 4 of the printed bill and by renumbering subsequent sections accordingly:

SECTION ___. Tennessee Code Annotated, Section 16-2-506(20)(A), is amended by deleting the semicolon ";" at the end of subsection (20)(A) and substituting instead a period "." and by adding the following to the end of such subsection:

Effective September 1, 1998, there is created an additional circuit court in the twentieth judicial district. At the August 1998 general election, the qualified voters of the twentieth judicial district shall elect a person in accordance with the provisions of Section 16-2-505, to serve as judge of the circuit court created by this section for an eight (8) year term;

On motion, Amendment No. 1 was adopted.

On motion, Rep. Kisber withdrew Finance, Ways & Means Committee Amendment No. 1 as House Amendment No. 2

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 2 as House Amendment 3 as follows:

Amendment No. 3

AMEND House Bill No. 674 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section ____ The implementation of this act and the required elections hereunder are subject to the enactment into law of Chapter ____ of the Public Acts of 1997 (Senate Bill 440 House Bill 116).

On motion, Amendment No. 3 was adopted.

Rep. Hargrove moved that **House Bill No. 674**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 98
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker pro tempore.

REGULAR CALENDAR, CONTINUED

House Joint Resolution No. 367 -- Memorials, Academic Achievement - Amy Dudur, Salutatorian, Cornersville High School. by *Fowlkes.

Further consideration of House Joint Resolution No. 367, previously considered on May 27, 1997, at which time it was objected to on the Consent Calendar and reset to today's Regular Calendar.

On motion of Rep. Fowlkes, **House Joint Resolution No. 367** was withdrawn from the House.

***Senate Joint Resolution No. 222** -- General Assembly, Studies - Creates special joint committee to study methods for increasing availability of utilization of home and community based long-term care services for elderly in wide range of settings, and options for allocating public resources for such services. by *Haynes, *Henry, *Crowe, *Carter, *Person.

Further consideration of Senate Joint Resolution No. 222, previously considered on May 27, 1997, at which time it was objected to on the Consent Calendar and reset to today's Regular Calendar.

Rep. Eckles moved to concur in Senate Joint Resolution No. 222.

On motion, Rep. Pruitt withdrew Health & Human Resources Committee Amendment No. 1.

On motion, Rep. Pruitt withdrew Health & Human Resources Committee Amendment No. 2.

Rep. Eckles moved to concur in **Senate Joint Resolution No. 222**, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S.,

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Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

MOTION

Rep. Williams moved that all bills objected to on today's Consent Calendar be heard at the end of today's Regular Calendar, which motion prevailed.

REGULAR CALENDAR, CONTINUED

House Bill No. 2013 -- Nolensville - Subject to local approval, authorizes levy and collection of privilege tax on new development to defray fiscal impact of providing services related to development. by *Sargent.

Further consideration of House Bill No. 2103, previously considered on May 27, 1997, at which time it was objected to on the Consent Calendar and reset to today's Regular Calendar.

Rep. Sargent moved that House Bill No. 2013 be re-referred to the Committee on Calendar & Rules, which motion prevailed.

House Bill No. 697 -- Insurance, Health, Accident - Requires insurance contracts and MCOs that cover mastectomy surgery to include coverage for reconstruction procedures which include augmentation and reduction mammoplasty and mastopexy if patient elects reconstruction and in manner chosen by patient and physician. Amends TCA Title 56, Chapter 7, Part 25. by *Eckles, *Chumney, *Jones, S., *Brooks, *Beavers, *Hassell, *Davis R, *Cooper B, *Rinks, *Fitzhugh, *Lewis, *Towns, *Miller L, *McKee, *Hood, *Langster, *Arriola, *Brown, *Armstrong, *Pruitt, *Haley, *Davidson, *McMillan, *Windle, *Turner (Hamilton), *Rhinehart, *Head, *Ridgeway, *Kent, *Ferguson, *Dunn, *Bowers, *Sharp, *Whitson, *Godsey, *Caldwell, *Stulce, *Curtiss, *West, *Williams (Williamson), *Cross, *Bone, *Huskey, *DeBerry J, *Pleasant, *Phelan, *White, *Fowlkes, *Mumpower, *Kernell, *Cole (Dyer), *Bird, *Tindell, *Halteman Harwell, *Sargent, *Jones U (Shelby), *Pinion, *Walker, *Frale, *Turner (Shelby), *Boner, *Winningham, *Westmoreland, *Givens, *Phillips, *Robinson, *Roach, *Cole (Carter), *Sands, *Odom, *Stamps, *Naifeh. (*SB237 by *Harper, *Crutchfield, *Ford J)

Further consideration of House Bill No. 697, previously considered on May 27, 1997, and reset to today's Calendar.

Rep. Eckles moved that House Bill No. 697 be passed on third and final consideration, which motion prevailed.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 1.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 2.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 3 as follows:

Amendment No. 3

AMEND House Bill No. 697 by deleting in its entirety all the language following the enacting clause, and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Title 56, Chapter 7, Part 25, is amended by adding the following language as a new, appropriately designated section:

Section _____. (a)(1) Any individual, franchise, blanket or group health insurance policy, medical service plan, contract, hospital service corporation contract, hospital and medical service corporation contract, fraternal benefit society, health maintenance organization, or managed care organization which provides coverage for mastectomy surgery shall provide coverage for all stages of reconstructive breast surgery on the diseased breast as a result of a mastectomy, but not including a lumpectomy, as well as any surgical procedure on the non-diseased breast deemed necessary to establish symmetry between the two breasts in the manner chosen by the patient and physician. The surgical procedure performed on a nondiseased breast to establish symmetry with the diseased breast must occur within three (3) years of the date the reconstructive breast surgery was performed on a diseased breast.

(2) Coverage for reconstructive breast surgery shall be subject to applicable copayments, coinsurance and deductibles.

(b) This section applies to any policy, plan, or contract entered into or renewed on or after July 1, 1997.

(c) Nothing contained herein shall be construed as applying to medical assistance programs funded with state and federal funds if such programs require the provision of services as medically necessary.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 3 was adopted.

Rep. Eckles moved adoption of Amendment No. 4 as follows:

Amendment No. 4

AMEND House Bill No. 697 by deleting the language "three (3) years" in subsection (a)(1) of the amendatory language of Section 1 and by substituting instead the language "five (5) years".

AND FURTHER AMEND by deleting in its entirety subsection (c) from the amendatory language of Section 1.

On motion, Amendment No. 4 was adopted.

Rep. Haley moved the previous question, which motion prevailed.

Rep. Eckles moved that **House Bill No. 697**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 98
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

***House Resolution No. 71** -- General Assembly, Studies - Creates special committee to study availability and pricing of day care and related topics. by *Caldwell.

Further consideration of House Resolution No. 71, previously considered on May 27, 1997, and reset to today's Calendar.

Rep. Caldwell requested that House Resolution No. 71 be moved to the heel of the Calendar.

***House Bill No. 192** -- Administrative Procedure - Continues certain permanent agency rules pursuant to UAPA beyond expiration date of June 30, 1997. by *Kernell, *Garrett, *Brooks. (SB96 by *Springer)

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Further consideration of House Bill No. 192, previously considered on May 27, 1997, and reset to today's Calendar.

Rep. Kernell moved that House Bill No. 192 be passed on third and final consideration.

Rep. Kernell moved adoption of Government Operations Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 192 by adding the following subdivision to subsection (c) of Section 1 of the printed bill:

(7) Rule 0530-2-1-.03 - Registry of Election Finance - Bookkeeping Procedures;

On motion, Amendment No. 1 was adopted.

Rep. Kernell moved that **House Bill No. 192**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....93
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Eckles, Ferguson, Fitzhugh, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Sands, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

House Bill No. 763 -- Criminal Procedure - Gives general sessions court concurrent jurisdiction with juvenile court to try misdemeanor cases of nonsupport and conduct preliminary hearings in felony nonsupport cases Amends TCA Title 39, Chapter 15. by *Jackson. (*SB1372 by *Rocheille)

Further consideration of House Bill No. 763, previously considered on May 27, 1997, and reset to today's Calendar.

Rep. Jackson moved that House Bill No. 763 be re-referred to the Committee on Calendar & Rules, which motion prevailed.

***House Joint Resolution No. 196** -- General Assembly, Studies - Creates special joint committee to study need for additional interstate rest stop parking spaces for certain commercial motor vehicles. by *Fowlkes, *White.

Further consideration of House Joint Resolution No. 196, previously considered on May 27, 1997, and reset to today's Calendar.

Rep. Fowlkes moved adoption of House Joint Resolution No. 196.

Rep. Rinks moved adoption of the Study Resolution Sub-Committee Amendment No. 1 as follows:
Amendment No. 1

AMEND House Joint Resolution No. 196 by deleting the caption of the introduced resolution and by substituting instead the following:

A RESOLUTION to direct the Department of Safety to study the need for additional rest stop parking spaces for certain commercial motor vehicles in Tennessee.

AND FURTHER AMEND by deleting the preamble clause immediately preceding the first resolving clause and by substituting instead the following:

WHEREAS, this issue directly affects the public safety and welfare and should be carefully and exhaustively studied by the Department of Safety; now, therefore,

AND FURTHER AMEND by deleting the resolving clauses of the introduced resolution in their entirety and by substituting instead the following:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE-HUNDREDTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, That the Department of Safety is hereby directed to study the need for additional rest stop parking spaces for commercial motor vehicles, and especially tractor trailer trucks, in Tennessee and to propose cost-effective solutions to rectify the present shortage of such rest stop parking spaces.

BE IT FURTHER RESOLVED, That in conducting this study, the Department of Safety shall consult with the Department of Transportation, the Tennessee Trucking Association and all other appropriate parties.

BE IT FURTHER RESOLVED, That the Department of Safety shall timely report its findings and recommendations relative to such study, including any proposed legislation, to the One-Hundredth General Assembly no later than January 15, 1998.

BE IT FURTHER RESOLVED, That an enrolled copy of this resolution be transmitted to the Commissioner of Safety.

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On motion, Amendment No. 1 was adopted.

Rep. Fowlkes moved adoption of **House Joint Resolution No. 196**, as amended, which motion prevailed by the following vote:

Ayes..... 93

Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

House Bill No. 1501 -- Boats, Boating - Enacts "Comprehensive Boating Safety Act of 1997." Amends TCA Title 69, Chapter 10. by *Rinks, *Bittle, *McDaniel. (*SB1009 by *Gilbert, *Atchley)

Rep. Rinks moved that House Bill No(s). 1501 be reset for the Regular Calendar on Thursday, May 29, 1997, which motion prevailed.

House Bill No. 209 -- Education - Provides for guardian as well as parent to receive copy of report card. Amends TCA Title 49, Chapters 1 -- 6. by *Davidson. (*SB25 by *Womack)

Further consideration of House Bill No. 209, previously considered on today's Calendar.

Rep. Davidson moved that House Bill No(s). 209 be reset for the Regular Calendar on Thursday, May 29, 1997, which motion prevailed.

***Senate Bill No. 1616** -- Bond Issues - Revises 1996 general bond bill to provide that grants of bond funds may be made to governmental entities and not-for-profits in Shelby County, Memphis, Knoxville, Chattanooga and Johnson City Amends Chapter 952 of the Public Acts of 1996. by *Atchley, *McNally, *Henry, *Crutchfield, *Cohen, *Person, *Crowe, *Carter, *Dixon, *Leatherwood, *Wilder. (HB1220 by *McDaniel, *Kisber, *Bittle)

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Further consideration of Senate Bill No. 1616, previously considered on today's Calendar, at which time the Senate Bill was substituted for the House Bill and the House adopted Amendment No. 1.

Rep. McDaniel requested that Senate Bill No. 1616 be moved to the heel of all Calendars.

House Bill No. 1038 -- Civil Procedure - Redefines "person" to include governmental entity for purposes of joining such persons as third party defendants. Amends TCA Section 20-1-119. by *Ritchie. (*SB1412 by *Gilbert)

Further consideration of House Bill No. 1038, previously considered on today's Calendar.

Rep. Ritchie requested that House Bill No. 1038 be moved to the heel of the Calendar for Thursday, May 29, 1997.

House Bill No. 1898 -- Election Laws - Establishes criminal penalty for pattern of violation by PAC officers Amends TCA Title 2, Chapter 10. by *Ritchie, *Tindell, *Jackson. (*SB1819 by *Gilbert)

Further consideration of House Bill No. 1898, previously considered on today's Calendar.

On motion, House Bill No. 1898 was made to conform with **Senate Bill No. 1819**; the Senate Bill was substituted for the House Bill.

Rep. Ritchie moved that Senate Bill No. 1819 be passed on third and final consideration.

On motion, Rep. U. Jones withdrew State & Local Government Committee Amendment No. 1.

Rep. Kerr moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 1819 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. Tennessee Code Annotated, Section 2-10-302, is amended by deleting subsections (c)(1) through (c)(3) in their entirety.

Rep. Ritchie moved that Amendment No. 2 be tabled, which motion failed by the following vote:

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Ayes.....38
Noes41
Present and not voting.....4

Representatives voting aye were: Armstrong, Arriola, Bone, Boner, Brooks, Caldwell, Curtiss, Davidson, Fitzhugh, Fraley, Givens, Hargrove, Head, Hood, Jackson, Jones U., Kisber, Langster, Maddox, McMillan, Newton, Odom, Phelan, Phillips, Rinks, Ritchie, Robinson, Sands, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), West, White, Williams, Windle, Winningham, Mr. Speaker Naifeh -- 38.

Representatives voting no were: Beavers, Bird, Bittle, Bowers, Boyer, Brown, Buck, Burchett, Clabough, Cooper, Cross, Dunn, Ferguson, Ford, Fowlkes, Godsey, Goins, Gunnels, Hargett, Hassell, Kernell, Kerr, McAfee, McDaniel, McKee, Miller, Patton, Pinion, Pleasant, Rhinehart, Ridgeway, Roach, Sargent, Scroggs, Sharp, Stamps, Tidwell, Towns, Walker, Whitson, Wood -- 41.

Representatives present and not voting were: Chumney, Cole (Carter), Haley, Walley -- 4.

Rep. Arriola moved the previous question on Amendment No. 2, which motion prevailed.

Rep. Kerr moved adoption of Amendment No. 2, which motion failed by the following vote:

Ayes.....35
Noes51
Present and not voting.....1

Representatives voting aye were: Armstrong, Arriola, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Clabough, Cooper, Cross, Curtiss, Dunn, Fitzhugh, Fowlkes, Gunnels, Jackson, Kernell, Kerr, Lewis, Maddox, Miller, Odom, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Sharp, Tidwell, Tindell, Towns, Turner (Shelby), White, Winningham -- 35.

Representatives voting no were: Bird, Bittle, Bone, Boner, Caldwell, Cole (Carter), Cole (Dyer), Davidson, Davis, Eckles, Ferguson, Ford, Givens, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Kent, Kisber, Langster, McAfee, McDaniel, McDonald, McMillan, Mumpower, Newton, Patton, Phelan, Pleasant, Rinks, Ritchie, Robinson, Sands, Sargent, Scroggs, Stamps, Stulce, Turner (Hamilton), Walker, Walley, West, Westmoreland, Whitson, Williams, Windle, Wood -- 51.

Representatives present and not voting were: Fraley -- 1.

Rep. McAfee moved adoption of Amendment No. 3 as follows:

Amendment No. 3

AMEND Senate Bill No. 1819 by adding the following new subsection (b) to the amendatory section in Section 1 and renumbering subsequent subsections accordingly:

(b) It is unlawful for any entity to intentionally file a false disclosure to the registry.

Rep. Ritchie moved that Amendment No. 3 be tabled, which motion prevailed.

Rep. Givens moved the previous question, which motion prevailed.

Rep. Ritchie moved that **Senate Bill No. 1819**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	88
Noes	2
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, DeBerry J., DeBerry L., Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 88.

Representatives voting no were: Dunn, Goins -- 2.

Representatives present and not voting were: Kernell -- 1.

A motion to reconsider was tabled.

House Bill No. 1816 -- Business Organizations - Mandates that secretary of state strictly administer and enforce all statutes requiring limited liability companies to file documents, submit information or pay fees; doubles LLC annual fees. Amends TCA Section 48-247-101 and Section 48-247-103. by *Wood, *McDaniel, *Kisber, *Stamps, *Davis R. (*SB1706 by *Gilbert, *McNally, *Atchley, *Elsea, *Person, *Jordan, *Miller J, *Ramsey, *Williams, *Carter, *Crowe, *Koella)

Further consideration of House Bill No. 1816, previously considered on today's Calendar.

On motion, House Bill No. 1816 was made to conform with **Senate Bill No. 1706**; the Senate Bill was substituted for the House Bill.

Rep. Wood moved that Senate Bill No. 1706 be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

REGULAR CALENDAR, CONTINUED

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 2.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 3.

On motion, Rep. Kisber withdrew Finance, Ways & Means Committee Amendment No. 1 as House Amendment No. 4.

Rep. Buck moved adoption of Amendment No. 5 as follows:

Amendment No. 5

AMEND Senate Bill No. 1706 by deleting subsection () (2) of the amendatory language of SECTION 1 and substituting instead the following:

(2) Failure of a Tennessee LLC to timely file such information shall be grounds for administrative dissolution of the LLC, however such dissolution shall be effectuated only in accordance with the procedures specified in Tennessee Code Annotated, Section 48-245-302. Failure of a foreign LLC to timely file such information shall be grounds for revocation of its certificate of authority, however such revocation shall be effectuated as provided in Tennessee Code Annotated, Section 48-246-502.

On motion, Amendment No. 5 was adopted.

Rep. Kisber moved adoption of Amendment No. 6 as follows:

Amendment No. 6

AMEND Senate Bill No. 1706 by adding after the language "necessary and require." at the end of the amendatory language of the first subsection of Section 1 the following:

The department of revenue shall transmit to the office of the comptroller of the treasury copies of all information required to be filed pursuant to this act. Such information shall be confidential as provided in Tennessee Code Annotated, Section 67-1-1702.

On motion, Amendment No. 6 was adopted.

Rep. Buck moved adoption of Amendment No. 7 as follows:

Amendment No. 7

AMEND Senate Bill No. 1706 by deleting the first sentence of () (1) of the amendatory language of SECTION 1 and substituting instead the following:

Such information shall be filed on or before April 1, 1998, and annually thereafter on or before the due date of the annual report required by Section 48-228-203.

On motion, Amendment No. 7 was adopted.

Rep. Wood requested that Senate Bill No. 1706 be moved to the heel of all Calendars.

House Bill No. 1047 -- Motor Vehicles, Titling and Registration - Increases allotment of dealer plates per dealership from 125 to 150. Amends TCA Title 55. by *Ritchie, *Armstrong. (*SB1389 by *Gilbert)

Further consideration of House Bill No. 1047 previously considered on today's Calendar.

Rep. Ritchie moved that House Bill No. 1047 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1047 by deleting the language after the enacting clause in its entirety and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Section 55-3-126(b)(2), is amended by deleting such subdivision in its entirety and by substituting instead the following language:

(b)(2) The security interest is perfected as of the time of its creation if the delivery is completed within twenty (20) days thereafter; provided that additionally when a previous first lienholder has been satisfied and a different first lienholder is created on a motor

vehicle, the security interest shall be perfected as of the time of its creation if the delivery is completed within twenty (20) days from the date the secured party receives the certificate of title for the vehicle from the previous lienholder. Otherwise a security interest is perfected as of the date of delivery to the county clerk or the division of motor vehicles.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Ritchie moved that **House Bill No. 1047**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 1378 -- Education - Sets kindergarten age at five and mandatory school attendance age at six rather than seven years of age; exempts certain home school or non-public school students. Amends TCA Title 49, Chapter 6, Part 30. by *Towns, *Jones U (Shelby), *Cooper B, *DeBerry J, *Miller L, *Pleasant, *Turner (Shelby), *Haley, *Scroggs, *Hargett, *Chumney. (*SB901 by *Dixon, *Graves, *Crutchfield)

Further consideration of House Bill No. 1378, previously considered on today's Consent Calendar at which time it was objected to and reset to today's Regular Calendar.

On motion, House Bill No. 1378 was made to conform with **Senate Bill No. 901**; the Senate Bill was substituted for the House Bill.

Rep. Towns moved that **Senate Bill No. 901** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 91
Noes 3
Present and not voting..... 2

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Fowlkes, Fraley, Givens, Godsey, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McMillan, Miller, Mumpower, Newton, Odom, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

Representatives voting no were: Goins, Maddox, White -- 3.

Representatives present and not voting were: Ford, Patton -- 2.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from aye to no on House Bill No. 1378/Senate Bill No. 901 and have this statement entered in the Journal: Rep(s). Whitson, Dunn, Mumpower and Godsey, Halteman Harwell, Walley, Burchett, Stamps, West.

REGULAR CALENDAR, CONTINUED

House Bill No. 1759 -- Insurance Companies, Agents, Brokers - Phases out remaining liability for excise and franchise taxes due after application of credit given to insurance companies for premium taxes paid; 20% reduction of remaining liability to begin in 1998, increased by 20% per year to full credit in 2002. Amends TCA Sections 56-4-217, 67-4-808(1) and 67-4-908(a). by *Kisber, *Turner (Hamilton), *Westmoreland. (*SB274 by *Rochelle)

Further consideration of House Bill No. 1759, previously considered on today's Consent Calendar at which time it was objected to and reset to today's Regular Calendar.

Rep. Kisber moved that **House Bill No. 1759** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 88
Noes 7
Present and not voting..... 2

WEDNESDAY, MAY 28, 1997 -- FORTY-EIGHTH LEGISLATIVE DAY

Representatives voting aye were: Armstrong, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Wood, Mr. Speaker Naifeh -- 88.

Representatives voting no were: Brooks, Brown, Cross, Ferguson, Ridgeway, Windle, Winningham -- 7.

Representatives present and not voting were: Arriola, Lewis -- 2.

A motion to reconsider was tabled.

Senate Bill No. 1989 -- Cheatham County - Subject to local approval, authorizes privilege tax on new residential development. by *Kurita. (HB1980 by *Williams (Williamson), *Davidson)

Further consideration of Senate Bill No. 1989, previously considered on May 21, 1997, at which time it was objected to on the Consent Calendar and reset to the Regular Calendar for May 22, 1997. The Senate Bill was substituted for the House Bill on May 22, 1997, the bill failed to receive a constitutional majority and was re-referred to the Committee on Calendar and Rules.

Senate Bill 1989 was further considered on today's Consent Calendar at which time it was objected to and reset to today's Regular Calendar.

Rep. Williams moved that **Senate Bill No. 1989** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	52
Noes	14
Present and not voting.....	20

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Boner, Boyer, Brooks, Buck, Caldwell, Clabough, Cooper, Cross, Curtiss, Davidson, DeBerry L., Dunn, Fitzhugh, Fowlkes, Fraley, Hargrove, Hassell, Hood, Jackson, Jones S., Kernell, Kerr, Lewis, Maddox, McDonald, McMillan, Odom, Phelan, Phillips, Pinion, Rhinehart, Ridgeway, Rinks, Ritchie, Sands, Sargent, Scroggs, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, White, Williams, Winningham, Mr. Speaker Naifeh -- 52.

Representatives voting no were: Bone, Burchett, Givens, Goins, Head, Hicks, McDaniel, Pruitt, Robinson, Sharp, Stamps, Walley, Windle, Wood -- 14.

Representatives present and not voting were: Bittle, Bowers, Brown, Chumney, Cole (Carter), Cole (Dyer), Ferguson, Ford, Godsey, Haley, Halteman-Harwell, Hargett, Kent, McKee, Miller, Mumpower, Newton, Patton, West, Westmoreland -- 20.

A motion to reconsider was tabled.

***House Resolution No. 71** -- General Assembly, Studies - Creates special committee to study availability and pricing of day care and related topics. by *Caldwell.

Further consideration of House Resolution No. 71, previously considered on today's Calendar.

Rep. Caldwell requested that House Resolution No. 71 be moved to the heel of the Supplemental Regular Calendar.

SUPPLEMENTAL REGULAR CALENDAR

House Bill No. 797 -- Courts, General Sessions - Authorizes general sessions judges to attend educational meetings. Amends TCA Title 16, Chapter 15. by *Rhinehart, *Buck, *Hargrove. (*SB475 by *Haynes)

Rep. Rhinehart moved that House Bill No. 797 be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Buck requested that Amendment No. 2 be moved to the heel of the Calendar.

Rep. Head moved adoption of Finance, Ways and Means Committee Amendment No. 3 as follows:

Amendment No. 3

AMEND House Bill No. 797 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 16-15-5001, is amended by deleting subsections (b), (c), and (d) and substituting instead the following:

(b) The class into which a county falls shall be determined by the 1990 federal census and any subsequent federal census or any special census conducted by the department of economic and community development.

(c)(1) For the purpose of determining the compensation of a general sessions judge who presides over a consolidated general sessions court consisting of two (2) or more counties as, the populations of all counties served by the court shall be added together, and the resultant sum shall be increased to the next higher classification for the purpose of determining the class of counties in accordance with subsection (a).

(2) Each county served by a consolidated general sessions court shall pay its proportional share of the compensation of the judge or judges of the consolidated court based on a ratio established by using the population of the county according to the latest available census compared to the population of the counties comprising the consolidated general sessions court using the latest available census.

(3) For the purposes of this subsection (c) only, the compensation of such judge shall be based on what a judge of the next higher classification is to receive on September 1, 1998.

(d)(1) If a county is in one (1) class as provided in this section on September 1 of the year in which a judge is elected to office, and after such date such county moves into a lower class on the basis of a subsequent federal census, the salary of such judge shall not be diminished during the time for which such judge was elected.

(2) If a county is in one (1) class as provided in this section on September 1, of the year in which a judge is elected to office and after such date, such county moves into another class on the basis of a subsequent census, the salary of such judge shall be determined by the higher classification for the remainder of the term for which the judge was elected.

SECTION 2. Tennessee Code Annotated, Section 16-15-5003, is amended by adding the following new subsections:

(i)(1) Effective September 1, 1998, the annual salary for a general sessions court judge shall be increased over the annual compensation and supplements and annual adjustments which each judge actually received as of August 31, 1998, by the lesser of:

(A) Ten thousand dollars (\$10,000); or

(B) Twenty percent (20%) of such annual compensation and supplements and annual adjustments as of August 31, 1998.

(2) Notwithstanding any other provision of law to the contrary, each full-time general sessions court judge in a county shall receive the same compensation as the most highly compensated general sessions court judge in that county if such judges have the same jurisdiction.

(3) Instead of the annual adjustments authorized in subsection (f), on July 1, 1999, and each succeeding July 1, the base salaries as adjusted annually and supplements as adjusted annually established by this section shall be adjusted in accordance with the provisions of Tennessee Code Annotated, Section 8-23-103.

(4)(A) The compensation, supplement and annual adjustment provisions of this section are to be construed as minimum levels. The compensation schedule established by this part is a comprehensive plan, and no salary supplement in excess of the supplements provided by this part shall be available to a general sessions judge unless expressly provided and funded by a private act.

(B) Notwithstanding any provision of law to the contrary, a judge of a court of general sessions may not be paid compensation based on both this part and the compensation provisions in a private act.

(j) Notwithstanding any provision of law or this part to the contrary, no judge of a general sessions court shall be paid a salary which is greater than the salary paid to a judge of a circuit court.

SECTION 3. The comptroller of the treasury shall conduct a study of judicial compensation and determine the disparities between judicial compensation and compensation of other state employees which may have been created by escalators applied to judicial salaries. The findings of the study shall be reported to the Senate and House Finance, Ways and Means Committees. The budget subcommittee of the House Finance, Ways and Means Committee shall conduct at least one (1) hearing on the findings of the comptroller's study and make recommendations accordingly.

SECTION 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 5. This act shall take effect September 1, 1998, the public welfare requiring it.

On motion, Amendment No. 3 was adopted.

Rep. Tidwell moved adoption of Amendment No. 4 as follows:

Amendment No. 4

AMEND House Bill No. 797 by adding at the end of Section 2(i)(4) the following new subdivision:

(C) Nothing in this part shall be construed as prohibiting a county, by private act, from compensating its general sessions judge or judges at levels in excess of what is required by this part. Any private or public act in effect on September 1, 1998, that provides greater compensation for a general sessions judge than is required by this section shall, to the extent of the judge's amount of compensation, prevail over the provisions of this part, and the base salary of such judge shall be the salary paid to the holder of that office on August 31, 1998, pursuant to such public or private act plus a percentage increase thereto equivalent to the same percentage increase herein given by Section 2(i)(1) of this act to a judge of a Class 6 county determined as of August 31, 1998.

On motion, Amendment No. 4 was adopted.

Rep. Buck moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 797 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION ____ Tennessee Code Annotated, Section 16-15-5003(b)(3), is amended by deleting the language "thirty thousand dollars (\$30,000)" and substituting instead the language "forty thousand dollars (\$40,000)".

On motion, Amendment No. 2 was adopted.

Rep. Newton moved the previous question, which motion prevailed.

Rep. Rhinehart moved that **House Bill No. 797**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	73
Noes	11
Present and not voting	5

Representatives voting aye were: Armstrong, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cross, Davidson, Davis, DeBerry J., DeBerry L., Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Gunnels, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones U., Kent, Kernell, Kisber, Langster, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Newton, Phelan, Phillips, Pruitt, Rhinehart, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Wood, Mr. Speaker Naifeh -- 73.

Representatives voting no were: Clabough, Curtiss, Dunn, Givens, Godsey, Goins, Hargett, Kerr, Pinion, Ridgeway, Winningham -- 11.

Representatives present and not voting were: Beavers, Lewis, Mumpower, Patton, Tidwell -- 5.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from aye to no on House Bill No. 797 and have this statement entered in the Journal: Rep(s). Maddox.

REGULAR CALENDAR, CONTINUED

House Bill No. 984 -- Private Protective Services - Deletes authorization for commissioner to appoint designees to act for commissioner in regard to regulation of security guards/officers. Amends TCA Title 62, Chapter 35. by *Williams (Williamson). (*SB846 by *McNally, *Person)

On motion, House Bill No. 984 was made to conform with **Senate Bill No. 846**; the Senate Bill was substituted for the House Bill.

Rep. Williams moved that Senate Bill No. 846 be passed on third and final consideration.

On motion, Rep. Curtiss withdrew Commerce Committee Amendment No. 1.

Rep. Williams moved that **Senate Bill No. 846** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 1402 -- Lobbying, Lobbyists - Restricts application of lobbyist prohibitions to registered lobbyists; revises other provisions of restrictions. Amends TCA Title 2, Chapter 10 and Title 3, Chapter 6. by *Kisber, *Kernell. (*SB1409 by *Cohen, *Gilbert)

Rep. Kernell moved that House Bill No. 1402 be passed on third and final consideration.

Rep. Jones U. (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1402 by deleting in its entirety all the language following the enacting clause, and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Section 3-6-104, is amended by adding the following language as a new subsection (f):

(f) A person who engages in lobbying without pay or any consideration or who engages in lobbying and receives only reimbursement for actual out-of-pocket personal expenses shall not be levied the occupational privilege tax on lobbyists imposed by Section 67-4-1702(a)(1).

SECTION 2. Tennessee Code Annotated, Section 3-6-113, is amended by deleting the words "and therefore" and substituting instead the words "or is".

SECTION 3. This act shall take effect on June 1, 1997, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Jones U. (Shelby) moved adoption of State and Local Government Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 1402 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. Tennessee Code Annotated, Title 3, Chapter 6, Part 1, is amended by adding the following language as a new, appropriately designated section:

Section _____. Any person who engages in lobbying without pay or any consideration shall reveal such information to an official in the legislative branch when the lobbyist initially meets with such official on the legislation, action or measure such person is lobbying.

On motion, Amendment No. 2 was adopted.

Rep. Kisber moved adoption of Amendment No. 3 as follows:

Amendment No. 3

AMEND House Bill No. 1402 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. Tennessee Code Annotated, Section 2-10-203(h), is amended by deleting subdivision (1) in its entirety and by substituting instead the following:

(1) Be allowed to hold or qualify for elective office to any state or local public office, as defined in § 2-10-102, other than a county or municipal judicial office.

On motion, Amendment No. 3 was adopted.

Rep. Brooks moved the previous question, which motion prevailed.

Rep. Kernell moved that **House Bill No. 1402**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	96
Noes	0
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

Representatives present and not voting were: Caldwell -- 1.

A motion to reconsider was tabled.

***Senate Bill No. 1621** -- Equalization Board - Provides for county board of equalization members from each of the four largest cities in counties with populations from 10,000 to 60,000, rather than two largest cities, as under present law. Amends TCA Section 67-1-401. by *Leatherwood, *Person. (HB1456 by *Jones U (Shelby), *Kent, *Cross, *Turner (Shelby), *Brooks)

Further consideration of Senate Bill No. 1621, previously considered on April 14, 1997, and April 17, 1997, at which time the Senate Bill was substituted for the House Bill.

Senate Bill No. 1621 was also considered on April 28, 1997, April 30, 1997, and May 7, 1997, and reset to today's Calendar.

Rep. U. Jones moved that Senate Bill No. 1621 be passed on third and final consideration.

Rep. Jones U. (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 1621 by deleting in its entirety all the language following the enacting clause, and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Section 67-1-401(a)(3), is amended by designating the existing language as (a)(3)(A), and by adding the following language to be designated as subsection (a)(3)(B):

(B) In any county having a population in excess of eight hundred thousand (800,000), according to the 1990 federal census or any subsequent federal census which has one (1) or more cities with a population of not less than ten thousand (10,000) nor more than sixty thousand (60,000), one (1) member of the board shall be appointed by the city council or governing body of each of the four (4) largest cities with a population in excess of ten thousand (10,000), within the county.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Miller moved that Amendment No. 3 be withdrawn, which motion prevailed.

Rep. U. Jones moved adoption of Amendment No. 4 as follows:

Amendment No. 4

AMEND Senate Bill No. 1621 by deleting Section 1, as amended, in its entirety and by substituting instead the following as a new Section 1:

Section 1. Tennessee Code Annotated, Section 67-1-401(a), is amended by deleting subdivision (1) in its entirety and by substituting instead the following:

(1) In any county having a population greater than eight hundred thousand (800,000) according to the 1990 federal census or any subsequent federal census, the county board of equalization shall be appointed for a term of two (2) years consisting of nine (9) freeholders and taxpayers of which three (3) members shall be appointed by the county commission or governing board, three (3) members shall be appointed by the city council or governing board of the largest municipality, and one (1) member each shall be appointed by the city councils or governing boards of each of the three (3) largest remaining cities having a population greater than ten thousand (10,000).

On motion, Amendment No. 4 was adopted.

Rep. Haley moved the previous question, which motion prevailed.

Rep. U. Jones moved that **Senate Bill No. 1621**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

***House Bill No. 1255** -- Health - Shields physician from liability when disclosing child's immunization status information to department of health, for specified purposes. Amends TCA Section 63-2-101. by *Walley, *Haley, *Hargett, *Pleasant, *McDaniel, *Stamps, *Ford S, *Wood, *Patton, *Clabough, *Kerr, *Beavers, *Kent, *Bird, *McKee, *Newton, *Scroggs, *Walker, *McAfee, *Mumpower, *Roach, *Boyer. (SB1680 by *Person, *Williams, *Elsa, *McNally, *Atchley, *Jordan, *Koella, *Haun, *Carter, *Ramsey, *Leatherwood, *Gilbert, *Miller J)

Rep. Walley moved that House Bill No(s). 1255 be reset for the Regular Calendar on Thursday, May 29, 1997, which motion prevailed.

House Bill No. 1023 -- Alcoholic Beverages - Gives county legislative body authority to forbid sale or storage of beer within 2,000 feet of public park frequented by children Amends TCA Title 57, Chapter 5. by *Buck. (*SB1210 by *Kyle)

Rep. Buck moved that House Bill No. 1023 be passed on third and final consideration

Rep. Jones U. (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1023 by deleting in its entirety all the language following the enacting clause, and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Section 57-5-109, is amended by inserting the word "residence" in the first sentence between the word and punctuation "school," and the word "church".

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. U. Jones moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 1023 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. Tennessee Code Annotated, Title 57, Chapter 5, is amended by adding the following as a new section to be appropriately designated:

Section _____. Notwithstanding the provisions of Section 57-6-104 or any other provision of law to the contrary, a wholesaler or retailer may distribute beer in a container of any size.

On motion, Amendment No. 2 was adopted.

Rep. Kerr moved the previous question, which motion prevailed.

Rep. Buck moved that **House Bill No. 1023**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....66
Noes.....20
Present and not voting.....9

Representatives voting aye were: Armstrong, Arriola, Bird, Bittle, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ford, Fraley, Givens, Gunnels, Halteman-Harwell, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Langster, McDaniel, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phillips, Pruitt, Rhinehart, Ridgeway, Roach, Robinson, Sands, Sargent, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Westmoreland, Whitson, Williams, Winningham -- 66.

Representatives voting no were: Beavers, Bone, Cole (Dyer), Ferguson, Fitzhugh, Fowlkes, Haley, Hargett, Hargrove, Head, Kisber, Maddox, McDonald, Phelan, Pleasant, Rinks, Ritchie, West, White, Windle -- 20.

Representatives present and not voting were: Godsey, Goins, Hassell, McAfee, Scroggs, Sharp, Walley, Wood, Mr. Speaker Naifeh -- 9.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from aye to no on House Bill No. 1023 and have this statement entered in the Journal: Rep(s). McMillan and Burchett.

REGULAR CALENDAR, CONTINUED

***Senate Joint Resolution No. 41** -- Memorials, Congress - Urges initiation of impeachment proceedings against U.S. District Court Judge John T. Nixon. by *Burks, *Ramsey, *Person, *Haun, *Fowler, *Crowe, *Carter, *Leatherwood, *Davis L, *Miller J, *Koella, *Williams.

Rep. Pinion moved that Senate Joint Resolution No. 41 be concurred in.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Joint Resolution No. 41 by deleting the resolution in its entirety and by substituting instead the following:

A RESOLUTION memorializing the U.S. Congress to amend the United States Constitution to remove Federal Judges for "dereliction of duty" as well as high crimes and misdemeanors.

WHEREAS, in 1976, the United States Supreme Court ruled to allow the several states to impose the death penalty as punishment for certain crimes; and

WHEREAS, Tennessee has had a constitutional death penalty statute since 1977; and

WHEREAS, during the last twenty years, Tennessee has not carried out a single death penalty sentence, in part because of lengthy habeas corpus proceedings by death row inmates and the inaction of the federal court system; and

WHEREAS, most recently, the Honorable John T. Nixon, U.S. District Court Judge for the Middle District of Tennessee, has overturned the capital convictions of four (4) of Tennessee's most heinous convicted killers; and

WHEREAS, in overturning these four (4) convictions, Judge Nixon has continued a pattern of judicial conduct that raises an issue as to his bias against capital punishment; and

WHEREAS, during his tenure on the U.S. District Court for the Middle District of Tennessee, Judge Nixon has continually delayed ruling on capital cases before his court; and

WHEREAS, he has also repeatedly reversed the convictions and/or sentences of many capital cases which were tried and adjudicated years ago, making it difficult for such cases to be retried; and

WHEREAS, the State of Tennessee Attorney General has even filed a petition for writ of mandamus against Judge Nixon to expedite a death penalty matter in a particular case that languished in his court; Now, Therefore,

OF
hereby
U.S. Congress
Federal

dispatch and
other habeas

BE IT RESOLVED BY THE SENATE OF THE ONE-HUNDREDTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE HOUSE REPRESENTATIVES CONCURRING, That this General Assembly memorializes the House of Representatives and Senate of the to consider amending the United States Constitution to remove Judges for "dereliction of duty", and not just "high crimes and misdemeanors," in order to ensure that judges act with due care in carrying out their duties on appeals of capital cases and corpus matters, and writs of mandamus.

BE IT FURTHER RESOLVED, That this General Assembly hereby memorializes the House of Representatives of the United States Congress to thoroughly and timely investigate whether grounds exist to impeach John T. Nixon, Judge for the United States District Court for the Middle District of Tennessee, in accordance with the United States Constitution, and if such grounds exist, then to initiate proceedings to impeach Judge John T. Nixon in accordance with the United States Constitution.

BE IT FURTHER RESOLVED, That the Chief Clerk of the Senate is directed to transmit certified copies of this resolution to the Speaker and the Clerk of the U.S. House of Representatives, the President and the Secretary of the U.S. Senate, the Clerk of the U.S. Supreme Court, and to each member of the Tennessee delegation to the U.S. Congress.

On motion, Amendment No. 1 was adopted.

Rep. Newton moved the previous question, which motion prevailed.

Rep. Pinion moved that **Senate Joint Resolution No. 41**, as amended, be concurred in, which motion prevailed by the following vote:

Ayes.....	81
Noes	6
Present and not voting.....	3

Representatives voting aye were: Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Buck, Burchett, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry J., Dunn, Ferguson, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Jackson, Jones S., Kent, Kerr, Kisber, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 81.

Representatives voting no were: Brooks, Brown, Cooper, Langster, Towns, Turner (Shelby) -- 6.

Representatives present and not voting were: Caldwell, DeBerry L., Pruitt -- 3.

A motion to reconsider was tabled.

***Senate Joint Resolution No. 199** -- General Assembly, Studies - Creates special joint committee to study development and implementation of model grading policy. by *Springer.

Rep. Jackson requested that Senate Joint Resolution No. 199 be moved to the heel of the Calendar.

***Senate Joint Resolution No. 234** -- General Assembly, Studies - Creates special joint committee to study laws and policies relative to acute pain management. by *Dixon, *Crowe.

Rep. Armstrong moved that Senate Joint Resolution No. 234 be concurred in.

Rep. L. DeBerry moved adoption of the Study Resolution Sub Committee Amendment No. 1 as follows:
Amendment No. 1

AMEND Senate Joint Resolution No. 234 by deleting the third resolving clause in its entirety.

On motion, Amendment No. 1 was adopted.

Rep. Armstrong moved that **Senate Joint Resolution No. 234**, as amended, be concurred in, which motion prevailed by the following vote:

Ayes 93
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

***Senate Joint Resolution No. 241** -- General Assembly, Studies - Continues for one year special joint committee created by HJR 448, Part II of 99th General Assembly to study issues relating to child custody, divorce and child support. by *Henry.

Rep. Patton moved that **Senate Joint Resolution No. 241** be concurred in, which motion prevailed by the following vote:

Ayes 96
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley,

Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

***Senate Joint Resolution No. 246** -- General Assembly, Studies - Creates special joint committee to study methods for securing dedicated funding for public transportation. by *Haun, *Womack, *Springer, *Crutchfield, *Crowe, *Carter, *Dixon.

Rep. U. Jones moved that Senate Joint Resolution No. 246 be concurred in.

Rep. L. DeBerry moved adoption of the Study Resolution Sub-Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Joint Resolution No. 246 by adding the following as a new resolving clause between the first and second resolving clauses:

BE IT FURTHER RESOLVED, That all non-legislative members of this special joint study committee shall not be reimbursed by the state of Tennessee for travel expenses related to their duties as voting members of this special joint study committee.

On motion, Amendment No. 1 was adopted.

Rep. U. Jones moved that **Senate Joint Resolution No. 246**, as amended, be concurred in, which motion prevailed by the following vote:

Ayes..... 98
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

***House Resolution No. 89** -- General Assembly, Studies - Creates special house committee to study issues relative to relationships among administrators, teachers and students and the admission and retention of students in public schools. by *DeBerry J.

Rep. J. DeBerry moved that House Resolution No. 89 be adopted.

Rep. L. DeBerry moved adoption of the Study Resolution Sub-Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Resolution No. 89 by deleting from the caption the words "create a special committee" and by substituting instead the words "direct the Select Oversight Committee on Education"

AND FURTHER AMEND BY deleting from the first resolving clause the words "there is hereby created a special committee" and by substituting instead the words "the Select Oversight Committee on Education is directed"

AND FURTHER AMEND BY deleting the fourth, sixth and seventh resolving clauses in their entirety.

AND FURTHER AMEND BY deleting from all the resolving clauses the words "special committee" and by substituting instead the words "Select Oversight Committee on Education"

On motion, Amendment No. 1 was adopted.

Rep. Cooper moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND House Resolution No. 89 by inserting in the caption between the words "teachers" and "and" the word "parents".

AND FURTHER AMEND by inserting the first resolving clause between the words "teachers" and "and" the word "parents".

On motion, Amendment No. 2 was adopted.

Rep. U. Jones moved adoption of Amendment No. 3 as follows:

Amendment No. 3

AMEND House Resolution No. 89 by adding at the end of the resolution the following:

BE IT FURTHER RESOLVED, That the Select Oversight Committee on Education is also directed to hold hearings concerning the Shelby State Community College nursing program.

On motion, Amendment No. 3 was adopted.

Rep. J. DeBerry moved that **House Resolution No. 89**, as amended, be adopted, which motion prevailed by the following vote:

Ayes..... 98
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

***Senate Joint Resolution No. 54** -- General Assembly, Studies - Continues special joint committee created by HJR 301 and continued by SJR 313 to study transfer of certain social service programs to state governments via use of federal block grants. by *Dixon.

Rep. Bowers requested that Senate Joint Resolution No. 54 be moved to the heel of the Calendar.

***House Resolution No. 81** -- General Assembly, Directed Studies - Requests comptroller's division of state audit to conduct performance evaluation of state programs and policies designed to prepare teenage foster children for transition to adulthood and self-sufficiency. by *Armstrong, *Brown, *Towns, *Cooper B, *Langster, *DeBerry J, *Bowers, *Jones U (Shelby), *DeBerry L, *Pruitt, *Miller L, *Turner (Shelby), *Brooks.

Rep. Armstrong moved that **House Resolution No. 81** be adopted, which motion prevailed by the following vote:

Ayes..... 96
Noes 0

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Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

***Senate Bill No. 1616** -- Bond Issues - Revises 1996 general bond bill to provide that grants of bond funds may be made to governmental entities and not-for-profits in Shelby County, Memphis, Knoxville, Chattanooga and Johnson City. Amends Chapter 952 of the Public Acts of 1996. by *Atchley, *McNally, *Henry, *Crutchfield, *Cohen, *Person, *Crowe, *Carter, *Dixon, *Leatherwood, *Wilder. (HB1220 by *McDaniel, *Kisber, *Bittle)

Further consideration of Senate Bill No. 1616, previously considered on today's Calendar.

Rep. McDaniel moved that Senate Bill No. 1616 be reset to the Calendar for Thursday, May 29, 1997.

***Senate Bill No. 1706** -- Business Organizations - Mandates that secretary of state strictly administer and enforce all statutes requiring limited liability companies to file documents, submit information or pay fees; doubles LLC annual fees. Amends TCA Section 48-247-101 and Section 48-247-103. by *Gilbert, *McNally, *Atchley, *Elsa, *Person, *Jordan, *Miller J., *Ramsey, *Williams, *Carter, *Crowe, *Koella. (HB1816 by *Wood, *McDaniel, *Kisber, *Stamps, *Davis R)

Further consideration of Senate Bill No. 1706, previously considered on today's Calendar.

Rep. Hargrove requested that Senate Bill No. 1706 be moved to the heel of the Calendar.

***House Resolution No. 71** -- General Assembly, Studies - Creates special committee to study availability and pricing of day care and related topics. by *Caldwell.

Further consideration of House Resolution No. 71, previously considered on today's Calendar.

Rep. Caldwell moved adoption of House Resolution No. 71.

On motion, Rep. Turner (Hamilton) withdrew Children & Family Affairs Committee Amendment No. 1.

Rep. Caldwell moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND House Resolution No. 71 by adding the following language at the end of the first resolving clause:

In its study, the committee shall consider whether a statutory minimum average rate should be established and whether a different rate should be established for urban and rural counties.

On motion, Amendment No. 2 was adopted.

Rep. Turner (Hamilton) moved adoption of Amendment No. 3 as follows:

Amendment No. 3

AMEND House Resolution No. 71 by deleting the language "five (5) members" in the second resolving clause and by substituting instead the language "seven (7) members".

On motion, Amendment No. 3 was adopted.

Rep. Caldwell moved adoption of **House Resolution No. 71**, as amended, which motion prevailed.

***Senate Joint Resolution No. 199** -- General Assembly, Studies - Creates special joint committee to study development and implementation of model grading policy. by *Springer.

Further consideration of Senate Joint Resolution No. 199, previously considered on today's Calendar.

Rep. Jackson moved that Senate Joint Resolution No. 199 be concurred in.

Rep. Newton moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Joint Resolution No. 199 by adding the following new resolving clauses between the second and third resolving clauses of the printed resolution to read as follows:

BE IT FURTHER RESOLVED, That there is hereby created a special joint committee relative to the use of the power of eminent domain.

BE IT FURTHER RESOLVED, That the committee shall consist of three (3) members of the House of Representatives and three (3) members of the Senate, to be appointed by the respective speakers.

On motion, Amendment No. 1 was adopted.

Rep. L. DeBerry moved adoption of Study Resolution Sub-Committee Amendment No. 1 as House Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Joint Resolution No. 199 by deleting the language in the caption, and by substituting instead the following language:

to direct the select oversight committee on education to study the development and implementation of a model grading policy for Tennessee public schools and to create a special joint committee to study eminent domain.

AND FURTHER AMEND by deleting from the first resolving clause the language "there is hereby created a special joint committee" and by substituting instead the language "the select oversight committee on education is directed".

AND FURTHER AMEND by deleting the second resolving clause, as amended, in its entirety.

AND FURTHER AMEND by deleting from the third resolving clause of the printed resolution the language "the special joint committee" and by substituting instead the language "the select oversight committee on education and the special joint committee to study eminent domain".

AND FURTHER AMEND the fourth, fifth and sixth resolving clauses of the printed resolution by adding the language "to study eminent domain" after the word "committee".

AND FURTHER AMEND by adding the following language at the end of the last resolving clause:

The select oversight committee on education shall timely report its findings and recommendations, including any proposed legislation or interim reports, to the One Hundredth General Assembly no later than February 1, 1998.

On motion, Amendment No. 2 was adopted.

On motion, Rep. L. DeBerry withdrew Study Resolution Sub-Committee Amendment No. 3

Rep. U. Jones moved adoption of Amendment No. 4 as follows:

Amendment No. 4

AMEND Senate Joint Resolution No. 199 by adding at the end of the resolution the following:

BE IT FURTHER RESOLVED, That the special joint committee is also directed to hold hearings concerning the Shelby State Community College nursing program.

On motion, Amendment No. 4 was adopted.

Rep. Jackson moved that **Senate Joint Resolution No. 199**, as amended, be concurred in, which motion prevailed by the following vote:

Ayes.....	94
Noes	1

Representatives voting aye were: Armstrong, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

Representatives voting no were: Maddox -- 1.

A motion to reconsider was tabled.

***Senate Joint Resolution No. 54** -- General Assembly, Studies - Continues special joint committee created by HJR 301 and continued by SJR 313 to study transfer of certain social service programs to state governments via use of federal block grants. by *Dixon.

Further consideration of Senate Joint Resolution No. 54, previously considered on today's Calendar.

Rep. Bowers moved that Senate Joint Resolution No(s). 54 be reset for the Regular Calendar on Thursday, May 29, 1997, which motion prevailed.

***Senate Bill No. 1706** -- Business Organizations - Mandates that secretary of state strictly administer and enforce all statutes requiring limited liability companies to file documents, submit information or pay fees; doubles LLC annual fees. Amends TCA Section 48-247-101 and Section 48-247-103. by *Gilbert, *McNally, *Atchley, *Elsea, *Person, *Jordan, *Miller J., *Ramsey, *Williams, *Carter, *Crowe, *Koella. (HB1816 by *Wood, *McDaniel, *Kisber, *Stamps, *Davis R)

Further consideration of Senate Bill No. 1706, previously considered on today's Calendar.

Rep. Wood moved that Senate Bill No. 1706, as amended, be passed on third and final consideration.

Rep. Kisber moved adoption of Amendment No. 8 as follows:

Amendment No. 8

AMEND Senate Bill No. 1706 by adding after the language "necessary and require." at the end of the amendatory language of the first subsection of Section 1 the following:

The department of revenue shall transmit to the office of the comptroller of the treasury summaries, compilations and pertinent data required to be filed pursuant to this act.

On motion, Amendment No. 8 was adopted.

Rep. McAfee moved the previous question, which motion prevailed.

Rep. Wood moved that **Senate Bill No. 1706**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	96
Noes	0
Present and not voting.....	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winingham, Wood, Mr. Speaker Naifeh -- 96.

Representatives present and not voting were: Brooks -- 1.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE
May 28, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1793; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 1793 -- Appropriations - Defrays expense of operating state government for fiscal year 1997-1998. by *McDaniel, *Kisber, *Stamps, *Davis R, *Walley, *Bittle, *Boyer. (*SB1698 by *Henry, *McNally, *Gilbert, *Atchley, *Ealsea, *Person, *Leatherwood, *Jordan, *Miller J, *Ramsey, *Williams, *Carter, *Crowe, *Koella)

Senate Amendment No. 1

AMEND House Bill No. 1793 by deleting each and every section of House Bill No. 1793, as amended, and by substituting instead new Sections 1 through 52, namely:

Sections 1 through 52 of Senate Bill No. 1698 as filed for introduction on February 24, 1997; printed and distributed as Senate Bill No. 1698; and considered to be part of this amendment.

Senate Amendment No. 2

AMEND House Bill No. 1793 S #0873

in Section 42, Item 2 of the printed bill by deleting the words and figures "twenty-five thousand dollars (\$25,000)" wherever they appear and substituting the words and figures "one hundred thousand dollars (\$100,000)".

S #0011by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of one hundred fifty thousand dollars (\$150,000) to the Memphis Minority Business Development Center for the sole purpose of funding a statewide minority business development program.

S #0019by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of three hundred seventy-five thousand dollars (\$375,000) to the Department of Education for the sole purpose of making grants as follows:

East Tennessee Discovery Center, Knoxville	\$ 62,500.00
Cumberland Science Museum, Nashville	156,250.00

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Hands On! Regional Museum, Johnson City	62,500.00
Memphis Museums, Inc., Memphis	93,750.00.

S #0037by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of three hundred fifty thousand dollars (\$350,000) to the Tennessee Department of Education for the sole purpose of making a grant in such amount to supplement funding for adult basic education programs .

S #0061by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of two hundred thousand dollars (\$200,000) to the Department of State for the sole purpose of making a grants of not more than ten thousand dollars (\$10,000) each to not-for-profit museums and archives across the state which make application for such grants and which are not otherwise funded specifically in this section. Such funds shall not revert at the end of any fiscal year but shall remain available until expended for such purpose.

S #0120by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of sixty thousand dollars (\$60,000) to the Department of Education for the sole purpose of making a grant in such amount to the Health & Education Research Operative Services, Inc. (HEROS), to be used for funding continued research on the S.T.A.R. Project.

S #0122by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of fifty thousand dollars (\$50,000) to the Department of Education for the sole purpose of making a grant in such amount to educational institutions for which the state appoints trustees under the testamentary bequest of Samuel Watkins to the state of Tennessee, to be used for the purpose of funding major repairs and renovations to the real estate used for educational purposes, which is held in trust by the state of Tennessee.

S #0124by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of two hundred thousand dollars (\$200,000) to the Tennessee council for vocational-technical education for the sole purpose of funding the programs and activities of the council. The appropriation made in this item is recurring.

S #0134by adding the following new item at the end of Section 10:

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Item _____. Out of funds otherwise appropriated to it by the provisions of this act, the Council on Pensions and Insurance is hereby requested to study the cost and mechanisms for providing health insurance or medigap insurance to retired teachers, including teachers who are retired on public, non-state retirement programs, and to report its findings to the general assembly by January 1, 1998.

S #0137by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of one hundred ninety thousand dollars (\$190,000) to the Department of Children's Services for the sole purpose of making grants as follows:

The Child Advocacy Center in Shelby County	\$25,000
The Child Advocacy Center in Davidson County	\$25,000
The Child Advocacy Center in Knox County	\$25,000
The Child Advocacy Center in Hamilton County	\$25,000
The Child Advocacy Center in Sullivan County	\$25,000
The Child Advocacy Center in Robertson County	\$25,000
The Child Advocacy Center in Madison County	\$25,000
The Tennessee Chapter of Children's Advocacy Centers	\$15,000.

S #0138by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of twenty-five thousand dollars (\$25,000) to the Department of Human Services for the sole purpose of making a grant in such amount to Child Abuse Prevention of Tennessee, Inc., to be used for operating and advertising a twenty-four (24) hour a day toll-free statewide telephone line for domestic violence.

S #0152by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of twenty-five thousand dollars (\$25,000) to the University of Tennessee Agriculture Extension Service for the sole purpose of making a grant in such amount to the Tennessee Junior Livestock Shows.

S #0154by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of five hundred forty thousand dollars (\$540,000) to the department of human services for the sole purpose of allocating such sum in equal grants to each of the nine (9) human resource agencies.

S #0157by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of ninety-two thousand five hundred dollars (\$92,500) to the Office of the Court Administrator to create a new court and judgeship in the 21st judicial district.

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S #0160by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of seventy-five thousand dollars (\$75,000) to the Department of Correction for the sole purpose of making a grant in such amount to Dismas, Inc., to be used for assisting with their programs in the State of Tennessee, and for no other purpose.

S #0163by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of thirty thousand dollars (\$30,000) to the Department of Human Services for the sole purpose of making a grant in such amount to the Philadelphians, Inc. to be used for supporting its services.

S #0211by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of ninety thousand dollars (\$90,000) to the University of Tennessee Institute of Agriculture for the sole purpose of making a grant in such amount to the Tennessee 4-H Club Foundation, to be used for providing state matching funds, pursuant to Tennessee Code Annotated, Section 49-9-1202.

S #0227by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of five thousand dollars (\$5,000) to the General Assembly for the sole purpose of funding the programs and activities of the statewide minority youth mock legislature annually hosted by the Black Caucus of State Legislators.

S #0239by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of three hundred thousand dollars (\$300,000) to the department of human services for the sole purpose of making grants as follows:

West Tennessee Lions Blind Industries	\$150,000
Ed Lindsey Industries for the Blind, Inc.	150,000.

In order to be eligible to receive such funds, such organizations must enter into contracts with the department of human services which shall include assurances that appropriated funds will be used to reduce trade indebtedness, for general operating expenses and for research and development of new products and markets to help accomplish self-sufficiency and freedom from further state subsidies within a period of five (5) years. The department is authorized to use up to three percent (3%) of the amount appropriated to fund a special independent task force to review both workshops' operations, to evaluate the operations and to make recommendations on ways to achieve the goal of self-sufficiency, including the amount, if any, of state appropriations for each of the following fiscal years commencing July 1, 1997.

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S #0242by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of five thousand dollars (\$5,000) to the Nashville Metropolitan Government to repay a state expense by the Nashville Metropolitan Government.

S #0245by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of twenty-five thousand five hundred dollars (\$25,500) to the Department of Economic and Community Development for the sole purpose of making a grant in such amount to the Four Lake Regional Industrial Development Authority, to be used for the purpose of replacing funding by the state and the Tennessee Valley Authority.

S #0246by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of twenty-eight thousand five hundred dollars (\$28,500) to the Department of Economic and Community Development for the sole purpose of assisting the Greater Nashville Regional Council in its replacement of outdated and mechanically deteriorating copying, fax and other office equipment and the acquisition of hardware and software for a geographic information system for the Council's economic development, aging program planning, and regional planning for the thirteen (13) counties and fifty-three (53) cities served by the Council. Notwithstanding the provisions of this or any other law to the contrary, neither the Department of Economic and Community Development nor the Greater Nashville Regional Council shall be required to submit a plan of activity to the Commissioner of Finance and Administration as a prerequisite for disbursement of this appropriation.

S #0248by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of eight hundred thousand dollars (\$800,000) to the Department of Education for the sole purpose of restoring funding, on an equal share basis, to the seven (7) public television stations in Tennessee.

S #0280by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of four hundred fifty thousand dollars (\$465,000) to the Sinking Fund to pay the estimated first years funding on bonds issued for renovation of the old library at Volunteer State Community College, and the sum of one million one hundred thousand dollars (\$1,100,000) to be used either as an appropriation to the Sinking Fund for the estimated first years funding on bonds for renovation of the Brister Library at the University of Memphis or for demolition of the Brister Library at the University of Memphis, in accordance with a recommendation of the commissioner of finance and administration and approval of the state building commission.

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S #0284by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of ten thousand dollars (\$10,000) for promotion of state funded improvements on the Ocoee River to enhance the preservation of value of such improvements by increasing usage and visibility of such facilities.

S #0293by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of thirty-five thousand dollars (\$35,000) to the department of state for the sole purpose of funding restoration of funding regional library vehicle maintenance and repair. This appropriation shall not revert at the end of the 1997-1998 fiscal year, but shall be carried over for the purpose herein stated.

S #0294by adding the following new item at the end of Section 36:

Item _____. To the department of state for bookmobile repair or replacement under Section 12, Item 719.

S #0340by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of twenty thousand dollars (\$20,000) to the Tennessee Association of Soil Conservation Districts for the sole purpose of providing operating funds for the national convention to be held in Tennessee.

S #0341by deleting Item 3 of Section 36 in its entirety and by substituting instead the following:

Item 3. To the Judicial Branch in Section 1, Title II, but excluding the appropriations for Indigent Defendants' Counsel and Verbatim Transcripts. The reappropriated funds shall be expended for the study and implementation of an integrated computer system for the Tennessee court system under the provisions of Chapter 1005, Public Acts 1944. This item shall not be subject to the approval of the Commissioner of Finance and Administration.

S #0351by adding the following new item to Section 12 thereof:

Item _____. There is hereby appropriated a sum sufficient from employer FICA tax savings from the § 125 Cafeteria Plan (Flexible Benefits Plan) to provide for the employer match to the State's 401(k) Plan for State employees compensated on the centralized State payroll system. In the event funds from the § 125 Cafeteria Plan are insufficient to cover the employer match, there is hereby appropriated a sum sufficient to be used exclusively for said purpose. Out of available funds appropriated to the University of Tennessee system, the president of said system may use, but is not required to use, any such funds to provide for the employer match to the State's 401(k) Plan for employees of the University of Tennessee. Out of available funds appropriated to the State Board of Regents, the chancellor of said board may use, but is not required to use, any such funds

to provide for the employer match to the State's 401(k) Plan for employees of the board of regents. Provided, however, that should the Board of regents or the University of Tennessee system elect to fund the employer match, the State Treasurer shall have the authority to contract with Optional Retirement Plan vendors to provide investment products to Optional Retirement Plan participants under the State's 401(k) program. The appropriations made in this item shall be administered pursuant to the Provisions of Tennessee Code Annotated, Title 8, Chapter 25.

S #0366by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of fifty thousand dollars (\$50,000) to the department of environment and conservation for the sole purpose of making a grant in such amount to the Tennessee Wars Commission, to be used for the continuation of operations and programs.

S #0369by adding the following new item at the end of Section 10:

Item _____. There is appropriated the sum of sixty thousand dollars (\$60,000) from funds received by the Administrative Office of the Court for the sole purpose of making a grant in such amount to statewide organizations engaged in offering assistance to organizations and individuals providing legal and other advocacy assistance to low income and/or elderly Tennesseans with civil legal problems, to be used for provision of the following services by the statewide organizations for lawyers, paralegals and other advocates working with and/or for low income and/or elderly Tennesseans: development of and provision of continuing legal education; development of manuals, and other informational resources; and other similar technical support.

S #0391by adding the following new item at the end of Section 12:

Item _____. From the funds appropriated by Item 13 of Section 12 of Chapter 1011 of the Public Acts of 1994, appropriating one million dollars to the department of state for use in constructing and improving library facilities, there is hereby appropriated the sum of one hundred thousand dollars (\$100,000) for library improvements and/or construction at the Ned McWherter Library.

S #0541by adding the following new item at the end of Section 12:

Item _____. From revenues generated by the provisions of House Bill No. 1399 / Senate Bill No. 1637, there is earmarked a sum sufficient to the department of safety for the sole purpose of providing increased security at rest areas.

S #0582by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of five hundred thousand dollars (\$500,000) to the Tennessee Area Health Education Center for the sole purpose of funding the programs and activities of the center.

S #0613by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of five hundred thirty-four thousand dollars (\$534,000) for the sole purpose of implementing Senate Bill 1170 / House Bill 1055, relative to background investigations for handgun carry permits, if such bill becomes a law.

S #0625by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of one million two hundred thousand dollars (\$1,200,000) for the sole purpose of implementing Senate Bill 1668 / House Bill 1247, relative to increasing unemployment compensation benefits, if such bill becomes a law.

S #0638by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of five thousand dollars (\$5,000) to the secretary of state for the sole purpose of making a grant for materials for recording for the blind.

S #0648by adding the following items to Section 12 thereof:

Item _____. Subject to the passage of Senate Bill No. 113/House Bill No. 202, there is hereby appropriated from the Claims Award Fund a sum sufficient to cover the costs associated with the assignment of administrative law judges to hear Tennessee Claims Commission matters pursuant to Section 1 of Senate Bill No. 113/House Bill No. 202.

Item _____. Subject to the passage of Senate Bill No. 113/House Bill No. 202, there is hereby appropriated from the Claims Award Fund a sum sufficient to cover the costs associated with alternative dispute resolutions conducted pursuant to Section 9 of Senate Bill No. 113/House Bill No. 202.

Item _____. The Commissioner of Finance and Administration shall transfer all staff, staff positions, equipment, supplies, property, funds and other resources of the Tennessee Claims Commission from the Department of Commerce and Insurance to the Department of Treasury in accordance with, and subject to the passage of Senate Bill No. 113/House Bill No. 202.

S #0659by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of eight hundred ninety-three thousand and four hundred dollars (\$893,400) to restore base state funding for the Tennessee Student Assistance Award program to the level of funding in 1996-97.

S #0698by adding the following new item at the end of Section 10:

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Item _____. To the extent the appropriation for TennCare services set forth in Title III-23(2) in Section 1 of this act includes an increase of up to three percent (3%) from fiscal year 1996-1997 to fiscal year 1997-1998 in the amount of capitation rate paid to managed care organizations, no expenditure of such appropriation relating to the increased capitation rate shall be made unless eighty-eight percent (88%) of the additional capitation rate will ultimately be paid to providers under contract with the TennCare managed care organizations.

S #0699by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of two hundred twenty thousand dollars (\$220,000) for the sole purpose of making grants of ten thousand dollars (\$10,000) to each of the following community action agencies:

AGENCY	COUNTIES SERVED
Anderson County Community Action Commission	Anderson
Blount County Community Action Agency	Blount
Bradley-Cleveland Community Services Agency	Bradley
Caney-Fork Development Corporation	Cannon, DeKalb, Van Buren, Warren
Chattanooga Human Services Department	Hamilton
Clarksville-Montgomery County Community Action Agency	Montgomery
Cordell Hull Economic Opportunity Corporation	Clay, Jackson, Macon, Smith
Delta Human Resources Agency	Fayette, Lauderdale
Douglas-Cherokee Economic Authority	Cocke, Grainger, Sevier, Hamblen, Jefferson, Monroe
Highland Rim Economic Corporation	Dickson, Stewart, Houston, Humphreys
Knoxville-Knox County Community Action Agency	Knox
Mid-Cumberland Community Action Agency	Cheatham, Sumner, Robertson,
Trousdale, Williamson,	Rutherford
Mid-East Community Action Agency	Loudon, Roane
Mountain Valley Economic Opportunity Authority	Campbell, Claiborne, Morgan,
Scott, Union	

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Northwest Tennessee Economic Development Council Benton,
Carroll, Crockett,
Dyer, Lake, Obion,

Henry, Weakley, Gibson,
Fayette, Tipton, Lauderdale, Madison

Shelby County Community Services Agency Shelby
South Central Human Resources Agency Bedford, Coffee,
Franklin, Giles, Hickman,
Lawrence, Lewis, Lincoln,
Marshall, Maury, Moore,
Petty, Wayne

Southeast Human Resources Agency Bledsoe, Grundy,
Marion, McMinn, Meigs,
Sequatchie, Polk, Rhea

Southwest Human Resources Agency Chester, Decatur,
Hardeman, Hardin, Haywood,
Henderson, Madison, McNairy

Upper East Tennessee Human Development Agency Carter,
Greene, Hancock,
Hawkins, Johnson,
Sullivan, Unicoi, Washington

Metro-Action Commission Davidson

Upper Cumberland Human Resource Agency Cumberland,
Fentress, Overton,
Pickett, Putnam, White,
Van Buren, Warren, Cannon, DeKalb

S #0735by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of three hundred thousand dollars (\$300,000) to the Department of Health for the sole purpose of implementing Senate Bill 237 / House Bill 697, relative to reconstructive breast surgery, if such bill becomes a law, subject to any claims under Senate Bill No. 237 / House Bill No. 697, being made within five (5) years of the performance of masectomy which necessitated the need for reconstructive surgery.

S #0741by adding the following new section to be appropriately designated:

Section _____. (a) If the board of trustees determines, after reviewing the actuarial valuation as of June 30, 1997, that the recommended employer contribution rate for state employees and teachers is less than the rate in effect on June 30, 1997, the recommended employer contribution shall be adjusted effective July 1, 1997. The excess appropriation contained in this act resulting from the reduction in annual contribution

requirements for the fiscal year ending June 30, 1998 shall be utilized by the commissioner of finance and administration as follows:

(1) Any excess appropriations shall first be utilized to fund the compound cost of living adjustment authorized in Senate Bill 517 / House Bill 1401, subject to passage. This adjustment shall be made January 1, 1998, based on available excess contributions.

(2) Dependent on a finding by the commissioner of finance and administration that funding from the reduced contribution rate or any other sources is available, a sum sufficient is hereby appropriated for a cost of living salary adjustment for state employees and teachers of up to one and one-half percent (1 1/2%) in one-half percent (1/2%) increments based on the December 31, 1997 salaries of such employees and teachers. This adjustment shall be made January 1, 1998.

(3) Dependent on a finding by the commissioner of finance and administration that funding from the reduced contribution rate or any other sources is available; a sum sufficient is hereby appropriated to permanently fund the three and six-tenths percent (3.6%) adjustment in computing average final compensation, subject to passage of Senate Bill 379 / House Bill 166. This funding shall be required in the 1998-99 fiscal year, based on available excess appropriations.

(4) Dependent upon a finding by the commissioner of finance and administration that recurring funding from the reduced contribution rate or any other sources is available, an amount not to exceed three million nine hundred thousand dollars (\$3,900,000) is appropriated for state match for state group insurance premiums. The general assembly recognizes that the provisions of Senate Bill 1201 / House Bill 1516 shall be funded from such appropriation.

(5) Dependent upon a finding by the commissioner of finance and administration that funding from the reduced contribution rate or any other sources is available, an amount not to exceed fifteen million dollars (\$15,000,000) is appropriated to restore reductions in the Tennessee Housing Development Agency bond fund reserves. This appropriation is non-recurring.

(6) Dependent upon a finding by the commissioner of finance and administration that funding from the reduced contribution rate or any other sources is available, an amount not to exceed thirteen million five hundred thousand dollars (\$13,500,000) is appropriated to restore reductions in the Tennessee Housing Development Agency assets fund. This appropriation is non-recurring.

(7) Dependent upon a finding by the commissioner of finance and administration that funding from the reduced contribution rate or any other sources is available, there is appropriated an amount not to exceed seven million five hundred thousand dollars (\$7,500,000) to institutions of the University of Tennessee and Tennessee Board of Regents systems. These funds shall be distributed in accordance with the following schedule:

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Institution/Unit	Non-recurring
Austin Peay	\$ 278,400
East Tennessee	491,900
Middle Tennessee	685,300
Tennessee State	348,100
Tennessee Tech	411,800
University of Memphis	987,600
Subtotal TBR Universities	\$3,203,100

Chattanooga	\$ 200,600
Cleveland	88,200
Columbia	92,800
Dyersburg	53,100
Jackson	89,900
Motlow	79,000
Nashville State Tech	104,300
NorthEast	82,500
Pellissippi	166,200
Roane	147,700
Shelby	171,300
State Tech at Memphis	197,000
Volunteer	129,000
Walters State	136,900
Subtotal 2-Year Institutions	\$ 1,738,500

UT Chattanooga	\$ 356,200
UT Knoxville	1,609,900
UT Martin	271,700
Subtotal UT Universities	\$ 2,237,800

Subtotal Academic Units \$ 7,179,400

Technology Centers 320,600

Total Formula Units \$ 7,500,000.

The non-recurring amounts appropriated hereby are restorations of a portion of the reversions from such institutions during the 1996-97 fiscal year.

It is the intent of the General Assembly in authorizing these contingent appropriations that, based on available funds, these appropriations be implemented in the order stated in this section.

S #0754by adding the following new item at the end of Section 36:

Item _____. Those funds received by the Tennessee Advisory Commission on Intergovernmental Relations from the Tennessee State Revenue Sharing Act for the inventory of public infrastructure needs and other purposes which are unobligated and unexpended at the end of the 1996-1997 fiscal year shall not revert, but shall be carried forward until expended for such purpose.

S #0802by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated a sum sufficient from the Criminal Injuries Compensation Fund for the sole purpose of implementing Senate Bill 594 / House Bill 787, relative to compensation of victims of terrorism, if such bill becomes law.

S #0804by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of one hundred four thousand four hundred dollars (\$104,400) to the Department of Correction for the sole purpose of implementing Senate Bill 1082 / House Bill 1160, relative to spousal rape or sexual battery, if such bill becomes a law.

S #0834by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated a sum sufficient for the sole purpose of implementing Senate Bill 1573 / House Bill 1307, relative to health insurance, if such bill becomes a law.

S #0836by adding the following new item at the end of Section 10:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated a sum sufficient from the Tennessee Wildlife Resources Fund for the sole purpose of implementing Senate Bill 1009 / House Bill 1501, relative to the Comprehensive Boating Safety Act of 1997, if such bill becomes law.

S #0837by adding the following new item at the end of Section 10:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated to the Tennessee Local Development Agency a sum sufficient from the Underground Storage Tank Fund for the purpose of paying debt service and expenses in connection with any debt issued pursuant to the provisions of Senate Bill 1033 / House Bill 595, relative to underground storage tanks, if such bill becomes law.

S #0845by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of one hundred seventeen thousand five hundred dollars (\$117,500) to the Seventy-Fifth Suffrage Anniversary Coalition for the sole purpose of funding a sculpture to recognize Tennessee's place in history in women's suffrage.

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S #0872by adding the following new item at the end of Section 12:

In addition to any other funds appropriated for the Cordell Hull birthplace, there is hereby appropriated the additional sum of twenty-five thousand dollars (\$25,000) to the department of environment and conservation to fund the operation and management of the Cordell Hull birthplace for fiscal year 1997-1998.

S #0875by adding the following new items at the end of Section 10:

Item _____. Out of funds appropriated by Section 1, Title III-21, Item 13 of this act, the department of personnel is directed to review and evaluate the preliminary salary equity study conducted by the Tennessee state museum and, based on its evaluation of such study, to make such adjustments in the compensation of the staff as are indicated.

Item _____. Out of funds appropriated to the facilities revolving fund, there is hereby allocated the sum of thirty thousand dollars (\$30,000) for the purpose of allowing the Tennessee state museum to establish and fill security guard positions to provide directly controlled twenty-four (24) hour security for state museum facilities and property.

S #0876by adding the following new item at the end of Section 41:

Item _____. From the funds appropriated to the facilities revolving fund, there is earmarked the sum of twenty thousand dollars (\$20,000) to be allocated to the general assembly for the sole purpose of remediation of the electromagnetic field problem in office space in the War Memorial Building.

S #0877by adding the following new item at the end of Section 10:

Item _____. Out of funds appropriated to the Commission on Children and Youth, there is hereby allocated a sum sufficient to allow three (3) positions subject to reduction to be restored through the reallocation of existing funds.

S #0878by deleting from Section 2, Item 11 of the printed bill the words "sum of \$5,100,000" and by substituting the words "balance of the appropriation for Sentencing Act of 1985".

AND FURTHER AMEND by deleting from Section 8, Item 20 of the printed bill the words:

"for the purchase and maintenance of equipment at state parks".

AND FURTHER AMEND by deleting from Section 12, Item 3 of the printed bill the words "Finance and Administration" and by substituting the word "Health".

AND FURTHER AMEND by deleting in its entirety Section 12, Item 4 of the printed bill and by renumbering the subsequent items.

AND FURTHER AMEND by deleting from Section 29, Item 8 of the printed bill the words and figures "eight hundred thousand dollars (\$800,000.00)" and by substituting the words and figures "six hundred thousand dollars (\$600,000.00)".

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AND FURTHER AMEND by deleting from Section 1, Title III-21, Item 4 the figure "800,000.00" and by substituting the figure "600,000.00" and by adding a new item 16 to read:

"16. Finance and Administration - Special Projects 200,000.00"

AND FURTHER AMEND by deleting from the fourth paragraph of Section 30 of the printed bill the words and punctuation "the Tennessee Regulatory Authority".

AND FURTHER AMEND by deleting in their entirety the last two paragraphs of Section 30 of the printed bill and by substituting a new paragraph to read:

"Employee promotions shall be reported to the general assembly under the provisions of Tennessee Code Annotated, Section 8-30-211(b)."

AND FURTHER AMEND by inserting in Section 31, Item 3 of the printed bill the word "Funds" between the words "Development" and "block".

AND FURTHER AMEND by inserting in Section 41, Item 23 of the printed bill the punctuation and language ", authorized in Section 2, Item 1 of this act," between the words "maintenance" and "shall".

AND FURTHER AMEND by adding to Section 41 of the printed bill a new item to read:

"Item---. The appropriations made in this act specifically do not include funds for the statutorially authorized salary increases contained in Tennessee Code Annotated, Section 4-7-201 and Section 4-7-205 for certain commissioned members and employees of the Department of Safety."

AND FURTHER AMEND by deleting in its entirety the incomplete citation in Section 43, Item 5 of the printed bill and by substituting the citation "Senate Bill No. 1939/House Bill No. 1796".

AND FURTHER AMEND by deleting in its entirety the incomplete citation in Section 43, Item 6 of the printed bill and by substituting the citation "Senate Bill No. 1938/House Bill No. 1795".

AND FURTHER AMEND by deleting in their entirety the incomplete citations in Section 43, Items 7, 8 and 9 of the printed bill and by substituting the citation "Senate Bill No. 1943/House Bill No. 1804" in each of the items.

AND FURTHER AMEND by deleting in its entirety Section 10, Item 23 of the printed bill and by substituting a new item to read:

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"Item---. Within the amount appropriated in Section 1, Title III-17, for Temporary Assistance to Needy Families in the Families First program established pursuant to the provisions of Tennessee Code Annotated, Title 71, Chapter 3, Part 1, the Commissioner of Human Services shall establish by rule or regulation to be effective July 1, 1997, the maximum grants for eligible persons in the Families First program expressed as a percentage of the standard of need, which standard of need shall, notwithstanding any law or regulation to the contrary, be established at six hundred seventy-seven dollars (\$677) by rule or regulation to be effective July 1, 1997 for fiscal year 1998 for an assistance group composed of three (3) persons, and the standard of need for other assistance group sizes shall be established by the department of human services by rule or regulation to be effective July 1, 1997 for fiscal year 1998 at the same levels as established in fiscal year 1997 for such other assistance group sizes.

AND FURTHER AMEND by adding to Section 12 of the bill the following new items to read:

"Item---. The appropriations made in Sections 1 and 4 of this act to the Department of Health shall be adjusted to recognize a change between departmental revenue and general revenue. The appropriation made in Section 1, Title III-16, Item 3.2 shall be increased by \$31,100.00 and the appropriation made in Section 4, Title III-17, Item 3.1 shall be reduced by \$31,100.00.

Item---. In addition to any other funds appropriated to the Department of Health in Section I, Title III-16 of this Act, there is appropriated a sum-sufficient from the Traumatic Brain Injury Fund to the Department of Health to allow for the provision of enhanced and/or new services which benefit traumatic brain injury persons and their families as authorized in Tennessee Code Annotated, Title 68, Chapter 55. Any additional appropriations provided under this item would be on a non-recurring basis from carry-forward funds which exist in the Traumatic Brain Injury Fund and would be subject to approval of the Commissioner of Finance and Administration.

Item---. There is hereby appropriated from dedicated revenues the sum of \$83,800.00 to the Department of Commerce and Insurance, Division of Regulatory Boards, to establish two (2) inspector positions for the barber board and the cosmetology board.

Item---. There is hereby appropriated from dedicated revenues the sum of \$151,300.00 to the Department of Commerce and Insurance, Division of Regulatory Boards, to establish five (5) positions, including an administrative director position, to upgrade two (2) positions and to fund other expenses for the State Board for Licensing Contractors."

AND FURTHER AMEND by adding to Section 29, Item 14 of the printed bill a new paragraph to read:

"The following proposed capital outlay project, to be funded from institutional funds, is in addition to those projects listed in the 1997-98 Budget Document:

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Austin Peay State University
Emerald Hill Renovation

\$966,000.00"

AND FURTHER AMEND by adding to Section 34 of the printed bill the new items to read:

"Item---. To the Department of Personnel in Section 1, Title III-2, and to adjust federal aid and other departmental revenue accordingly.

Item---. To the Department of Commerce and Insurance in Section 1, Title III-11, and to adjust federal aid and other departmental revenue accordingly."

AND FURTHER AMEND by adding to Section 35 of the printed bill the new items to read:

"Item---. To the Department of Children's Services in Section 1, Title III-22, and to adjust federal aid and other departmental revenue accordingly.

AND FURTHER AMEND by adding to Section 36 of the printed bill the following new items to read:

"Item---. For services to children for whose education the state is directly responsible and the funds were paid to the Department of Children's Services under the provisions of Tennessee Code Annotated, Section 49-3-363.

Item---. To the Tennessee Student Assistance Corporation in Section 1, Title III-10, an amount not to exceed \$22,000.00 may be carried forward at June 30, 1997."

AND FURTHER AMEND by deleting in its entirety Section 39 of the printed bill and by substituting a new Section 39 to read:

"SECTION 39. The provisions of this section shall take effect upon becoming law, the public welfare requiring it. There is hereby appropriated from departmental revenues and federal aid funds the amounts hereinafter set out:

	1996-97	1997-98
District Attorneys General		
1. Executive Director	\$ -	\$ 75,000
Department of State		
1. Library and Archives	\$ 20,000	\$ 20,000
2. Regional Libraries	120,100	-
Total Department of State	\$ 140,100	20,000
Comptroller of the Treasury		
1. Municipal Audit	\$ -	\$ 50,000

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Commissions

1. Tennessee Commission on
Children and Youth

\$ 70,500 \$ 165,200

1996-97

1997-98

Agriculture

1. Plant Industries

\$ 47,400 \$ 50,600

2. Forestry

- 86,000

3. Agricultural Resources

- 107,000

Total Agriculture

\$ 47,400 \$ 243,600

Environment and Conservation

1. Conservation Administration

\$ 323,000 \$323,000

2. Tennessee State Parks

1,650,000 -

3. Natural Heritage

180,000 180,000

4. Construction Grants and Loans

3,500,000 3,000,000

Total Environment and
Conservation

\$ 5,653,000 \$ 3,503,000

Education

1. Improving School Programs

\$ 25,000 \$ 50,000

2. Goals 2000

- 3,460,000

Total Education

\$ 25,000 \$ 3,510,000

Higher Education

1. Tennessee Student
Assistance Corporation

\$ 500,000 \$ 500,000

Commerce and Insurance

1. Fire Prevention

\$ 12,700 \$ 25,500

Mental Health and Mental Retardation

1. Developmental Disabilities Council

\$ 112,700 \$112,700

Military

1. Tennessee Emergency
Management Agency

\$ 53,700 \$ 53,700

2. Armories Maintenance

1,000,000 2,000,000

Total Military

\$ 1,053,700 \$ 2,053,700

Health

1. Health Services

\$ 60,500 \$ 60,500

2. Maternal and Child Health

9,100 9,100

3. Division of Special Services

18,600 18,600

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4. Communicable and Environmental Disease Services	1,214,000	2,416,000
5. Health Services Administration		
Medical Programs	600	600
6. Population Based Services	1,033,900	1,045,300
7. Women, Infants, and Children (WIC)	8,636,900	8,636,900
8. Local Health Services	6,193,900	6,206,100
Total Health	\$17,167,500	\$18,393,100
	1996-97	1997-98
Human Services		
1. Community Services	\$ 4,398,500	\$ 5,226,600
2. Vocational Rehabilitation	68,100	64,500
3. Disability Determination	6,500	36,900
Total Human Services	\$ 4,473,100	5,328,000
Revenue		
1. Office Audit & Examination Division		\$ 235,200
Children's Services		
1. Administration		\$ 32,800
2. Family Support Services	244,300	213,000
3. Custody Services		8,055,500
4. Adoption Services	61,100	50,000
5. Tennessee Preparatory School	107,600	113,300
Total Children's Services	\$ 413,000	8,464,600
TOTAL	\$29,903,900	\$42,444,400

The Commissioner of Finance and Administration is authorized to establish 20 full-time positions and 1 part-time position and to allocate them to the appropriate organizational units. At June 30, 1997, any unexpended balances of departmental revenues and federal aid funds appropriated in this section are hereby reappropriated in the fiscal year beginning July 1, 1997.*

AND FURTHER AMEND by adding to Section 41 of the printed bill the following new items to read:

"Item---. In the fiscal year ending June 30, 1997, any remaining assets of the Tennessee Comprehensive Health Insurance Pool (TCHIP) shall be transferred to the general fund.

Item---. In each of the fiscal years ending June 30, 1997, and June 30, 1998, there is appropriated a sum not to exceed \$20,000.00 from asbestos claims recoveries to reimburse the Office of the Attorney General and Reporter for expenses incurred to pursue the claims.

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Item---. Any unexpended revenues available at June 30, 1997, for benefit of the Tennessee Ocoee Development Agency (TODA) are hereby reappropriated to TODA to be expended in the 1997-98 fiscal year.

Item---. There is hereby appropriated a sum sufficient to the Department of Environment and Conservation from funds of the former Tennessee Elk River Development Agency (TERDA) to implement the provisions of Chapter 816, Public Acts of 1996.

Item---. The unexpended balance of the appropriation made to the Department of Financial Institutions to implement Chapter 718, Public Acts of 1996, is hereby reappropriated to the department to be expended in the 1997-98 fiscal year.

Item---. There is hereby appropriated to the American Red Cross the sum of \$5,000.00 for flood relief efforts in west Tennessee this year. This appropriation is made from funds donated to the state of Tennessee by the Consulate General of Japan in New Orleans for damages caused during the 1997 floods. The Consulate General conveyed a condolence from the Japanese Foreign Minister with the donation.

Item---. There is hereby appropriated a sum sufficient to the Department of Environment and Conservation, West Tennessee River Basin Authority, from funds provided by the counties within the authority area.

Item---. In the fiscal years ending June 30, 1997, and June 30, 1998, there is hereby appropriated a sum sufficient from the Transportation Equity Fund to the Department of Transportation, Division of Air, Water and Rail. This appropriation is subject to the availability of revenue in the fund.

Item---. There is hereby appropriated from dedicated revenues the sum of \$130,000.00 to the Department of Commerce and Insurance, Division of Regulatory Boards, Real Estate Education and Recovery Fund, to provide for court ordered payments and to print and distribute to all licensees a manual of laws and rules and regulations.

Item---. From the handgun carry permit fees paid under the provisions of Tennessee Code Annotated, Section 39-17-1351, there is hereby appropriated a sum sufficient to the Department of Safety and to the Tennessee Bureau of Investigation to implement the provisions of the handgun carry permit law. This appropriation is subject to approval by the Commissioner of Finance and Administration and the Commissioner is authorized to establish positions to implement the law. Any unexpended permit fees at June 30, 1997, are hereby reappropriated to be expended in the 1997-98 fiscal year and shall be carried forward in a reserve into the fiscal year beginning July 1, 1997.

Item---. From the appropriations made in Section 1, Title III-22, to the Department of Children's Services, the sum of \$804,900.00 shall be transferred to TennCare to provide the state match for additional payments to the Department of Children's Services made under Section 39 of this act. Federal aid funds in TennCare shall be adjusted accordingly.

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Item---. Subject to the passage of Senate Bill No.1637/House Bill No.1399, there is hereby appropriated from dedicated revenues the sum of \$1,500,000.00 to the Department of Safety to establish additional uniformed highway patrol officer positions and to provide for training and equipment.

Item---. Subject to approval by the Commissioner of Finance and Administration and the Comptroller of the Treasury, the loan agreement made pursuant to Section 41, Item 31 of the 1989 Appropriations Act, and all subsequent loan agreements made with the Tennessee Rehabilitative Initiative in Corrections Board (TRICOR) and its predecessor organizations, are hereby cancelled and forgiven effective June 30, 1997."

AND FURTHER AMEND by deleting in its entirety Section 43, Item 11 of the printed bill and by renumbering the subsequent items.

AND FURTHER AMEND by adding a new section to the printed bill to read:

SECTION---. In addition to the appropriations made in Sections 1 and 38 of this act there is hereby appropriated to the:

Item 1. Department of Economic and Community Development the sum of \$35,000.00 to pay dues to the Southern States Energy Board and the sum of \$61,000.00 to pay an increase in dues to the Appalachian Regional Commission (ARC).

Item 2. Department of Education the sum of \$35,000.00 to increase the grant to the Holocaust Commission.

Item 3. Department of Commerce and Insurance the sum of \$150,000.00 to pay bonus supplements to firemen as authorized in Section 7, Item 11 of this act.

Item 4. Department of Health the sum of \$150,000.00 to establish five (5) additional positions for the audit section.

Item 5. Department of Finance and Administration the sum of \$47,000.00 to fund a position for establishing a Service Vendor Registry System intended to foster the state's utilization of minority and small businesses and promote competition in service contracting.

Item 6. Department of Human Services the sum of \$29,000.00 to establish one (1) adult day care program specialist position.

Item 7. Subject to the passage of Senate Bill No. 1945/House Bill No. 1817, there is hereby appropriated \$293,000.00 to the Department of Revenue to implement the act (Petroleum Products and Alternative Fuels Tax Law).

AND FURTHER AMEND by adding a new section to the printed bill to read:

SECTION---. The provisions of this section shall take effect upon becoming law, the public welfare requiring it. There is hereby appropriated the following amounts which shall be in addition to the appropriations provided under Chapter 1083, Public Acts of 1996 and under Sections 1 and 38 of this act:

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	1996-97	1997-98
Judicial		
1. Indigent Defendants' Counsel	\$ 600,000	\$ 1,583,000
	1996-97	1997-98
Labor		
1. Second Injury Fund	\$ 2,500,000	\$ 2,500,000
Health		
1. Families First - Nurses' Visits		\$ 600,000
TOTAL	\$ 3,100,000	\$ 4,683,000

The Commissioner of Finance and Administration is authorized to establish positions as may be required by the Department of Health and to transfer the appropriation to TennCare and to adjust federal aid and interdepartmental revenue accordingly.

S #0880AND FURTHER AMEND by deleting the language of Section 41, Item 30, of the printed bill and substituting therefore the following:

In the fiscal year ending June 30, 1997 there is hereby appropriated from the public utility inspection, control and supervision fees collected by the Tennessee Regulatory Authority, a sum not to exceed seven hundred fifty thousand dollars (\$750,000) to the general fund. In the fiscal year ending June 30, 1998 there is hereby appropriated from the public utility inspection, control and supervision fees collected by the Tennessee Regulatory Authority, a sum not to exceed seven hundred fifty thousand dollars (\$750,000) to the general fund.

S #0881AND FURTHER AMEND by adding to Section 43 of the printed bill a new item:

Item _____. It is the legislative intent to recognize a base over-appropriation in the general fund of \$70,000,000 in 1996-97 and in 1997-98. Pursuant to the provisions of Tennessee Code Annotated, Section 9-6-120(b), it is the legislative intent to recognize an additional over-appropriation of \$37,500,000 in 1996-97 through reduction in expenditures to offset the general fund revenue shortfall in 1996-97.

Further, it is the legislative intent that the amount of the over-appropriation upon which initial budget estimates are made should reflect that amount of appropriations to agencies in the general fund which, through normal operations, would be expected to be unobligated at the end of the fiscal year. To the extent practical, from state funds appropriated herein which may become available due to overcollections of federal or other non-state revenue, the commissioner of finance and administration is urged and authorized to reduce the over-appropriation for 1997-98 to an amount not less than \$50,000,000. The commissioner of finance and administration is urged to present the 1998-99 budget upon the basis of a general fund over-appropriation not to exceed \$50,000,000.

S ED. #0001by adding the following new item at the end of Section 12:

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Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of ten million dollars (\$10,000,000) for the sole purpose of distribution to the institutions of the University of Tennessee and the state board of regents system in accordance with the following schedule:

Institution/Unit	Recurring
Austin Peay	\$ 182,800
Middle Tennessee	1,770,700
Tennessee State	365,800
Subtotal TBR Universities	\$ 2,319,300
Chattanooga	\$ 339,500
Columbia	662,300
Dyersburg	285,400
Jackson	121,500
Nashville State Tech	357,000
NorthEast	581,600
Pellissippi	153,500
Roane	13,300
Volunteer	1,389,900
Walters State	721,700
Subtotal 2-Year Institutions	\$ 4,625,700
Subtotal Academic Units	\$ 6,945,000
Technology Centers	3,055,000
Total Formula Units	\$10,000,000.

S. ENV. #0001b by adding the following at the end of Item 22 of Section 41:

This appropriation, however, shall be reduced by six hundred fifty thousand dollars (\$650,000) representing the cost of the Davidson County Firing Range Project as this project is being funded through federal funds.

S. ENV. #0002b by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of three hundred thirteen thousand four hundred dollars (\$313,400) from the Wildlife Fund to the Tennessee Wildlife Resources Agency for the purpose of funding salaries and appropriate charges for twelve (12) personnel positions.

S. ENV. #0003b by adding the following new item at the end of Section 10:

Item _____. It is the legislative intent, and the commissioner of finance and administration is hereby authorized, to reduce the appropriation made by this act to the Tennessee Wildlife Resources Agency by up to eighty-one thousand four hundred dollars (\$81,400) to prevent an over-appropriation to the "Hooked on Fishing Not on Drugs Program".

S. GW. #0001by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of two hundred fifty thousand dollars (\$250,000) to the department of human services for the sole purpose of continuing the funding level for adult homemaker services. It is the legislative intent that this provision be considered a recurring expenditure.

S. GW. #0002by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated a sum not to exceed one hundred twenty thousand dollars (\$120,000) to the department of mental health for the sole purpose of restoring five (5) abolished chaplain positions. The commissioner of personnel is directed to recreate such five (5) positions.

S. SLG. #0001by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of fifty thousand dollars (\$50,000) to the Tennessee Defense Force for the sole purpose of operating expenses.

S #0879by adding the following new item at the end of Section 43:

Item _____. The appropriation made to the career ladder program by Section 1, Title III-9, Item 2.1b, is reduced by four million dollars (\$4,000,000). One million dollars (\$1,000,000) of this amount shall come from funds for administration and testing. Three million dollars (\$3,000,000) of this amount shall come from funds allocated for extended contracts, but no such reduction shall affect extended contracts involving summer school programs or involving student contact programs whether conducted through extended hours or during the summer months.

by deleting the original Section 43, Item 12 in its entirety.

by adding the following new section to be appropriately numbered:

Section _____. The appropriation made by the provisions of this act to fund the three and six-tenths percent (3.6%) adjustment in computing average final compensation provided for in Tennessee Code Annotated, Section 8-34-101(4)(B) is hereby reduced by the sum of one hundred five thousand dollars (\$105,000) to recognize non-state funding of this item.

by adding the following new section to be appropriately numbered:

Section _____. The appropriation to the department of tourist development for advertising is hereby reduced by the sum of three million dollars (\$3,000,000). In recognition that legislation to fund a portion of the appropriation to the TIIPS program will not become law, the appropriation to the TIIPS program is hereby reduced by the sum of five million dollars (\$5,000,000). In addition to any other funds appropriated by the

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provisions of this act, there is appropriated the sum of seven million dollars (\$7,000,000) to the department of finance and administration for industrial and tourism development activities. It is the intention of the general assembly that the funds appropriated by the provisions of this act be nonrecurring and that the commissioner of finance and administration allocate such funds in a manner which will maximize the benefits to the state.

by adding the following new item at the end of Section 10:

Item _____. There is transferred the sum of two million five hundred thousand dollars (\$2,500,000) from the unemployment compensation special administrative fund to the general fund. This appropriation is subject to passage of Senate Bill 146 / House Bill 717.

by adding the following new section to be appropriately numbered:

Section _____. The appropriation made to the department of revenue in Section 1, Title III-18 is hereby reduced by the sum of four hundred seventy-four thousand six hundred dollars (\$474,600). It is the legislative intent that the increase in funds for administration of the collection of local option sales tax appropriated in Section 4, Title III-19 be used to replace this reduction.

by adding the following new item at the end of Section 41:

Item _____. It is the legislative intent that the sum of nineteen million forty-six thousand dollars (\$19,046,000) is to be carried forward to be expended in the 1997-98 fiscal year and the commissioner of finance and administration is authorized to establish a reserve in such amount as of June 30, 1997.

AND FURTHER AMEND by reducing the appropriation made in Section 1, Title III, Item 2.1 by the amount of \$731,800.

AND FURTHER AMEND by reducing the appropriation made in Section 1, Title II, Item 1, Appellate and Trial Courts, in the amount of \$185,00, such amount being the improvement funds for a new circuit court in the 26th judicial district.

AND FURTHER AMEND by reducing the appropriation in Section 1, Title III-7, in the amount of \$1,800,000 in order to reflect the cost avoidance resulting from passage of Senate Bill 1661 / House Bill 1265, (the Technical Violator Bill).

by adding the following new section to be appropriately numbered:

Section _____. The appropriation to the department of correction for the Sentencing Act of 1985 is reduced by the sum of three million seven hundred thousand dollars (\$3,700,000).

by adding the following new section to be appropriately numbered:

Section _____. The appropriation to the department of labor for computer systems is reduced by the sum of one million five hundred thousand dollars (\$1,500,000).

by adding the following new section to be appropriately numbered:

Section _____. It is the legislative intent to recognize a savings in the career ladder program in an amount not to exceed three million dollars (\$3,000,000) pursuant to the provisions of Senate Bill 25 / House Bill 209, subject to such bill becoming law.

Senate Amendment No. 3

AMEND House Bill No. 1793 by adding the following new item at the end of Section 12:

Item _____. There is hereby appropriated to the State Treasurer the sum of one hundred thousand dollars (\$100,000) from the Criminal Injuries Compensation Fund for the purpose of granting the same to the Tennessee Victims Coalition pursuant to § 40-24-107(e); provided, the coalition submits to the State Treasurer a plan specifying the use of the moneys and such plan is approved by the State Treasurer.

Senate Amendment No. 5

AMEND House Bill No. 1793 by adding the following new item at the end of Section 10:

Item _____. No funds appropriated or allocated by the provisions of this act shall be used to fund a "School-to-Career" program in education, until the legislature has enacted by legislation a School-to-Career program of education.

Senate Amendment No. 10

AMEND House Bill No. 1793 § 12, Item _____. In addition to any other funds appropriated by this act there is hereby appropriated the sum of \$75,000 to University of Tennessee for apiary research program.

Rep. McDaniel moved that the House non-concur in Senate Amendment(s) No(s). 1, 2, 3, 5 and 10 to **House Bill No. 1793**, which motion prevailed.

MESSAGE FROM THE SENATE

May 28, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1794; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 1794 -- Bond Issues - Authorizes \$135.8 million bond issue to fund state projects. by *McDaniel, *Kisber, *Stamps, *Davis R, *Walley, *Bittle, *Boyer. (*SB1697 by *Henry, *McNally, *Atchley, *Elsea, *Person, *Jordan, *Miller J, *Ramsey, *Williams, *Carter, *Crowe, *Koella, *Fowler)

Senate Amendment No. 1

AMEND House Bill No. 1794 Section 1 of the bill by deleting the words and numbers "one hundred thirty-five million, eight hundred thousand dollars (\$135,800,000)" and substituting therefor the words and numbers "one hundred forty-nine million, four hundred thousand dollars (\$149,400,000)".

AND FURTHER AMEND in Section 4 of the bill by adding the following as a new item, to be numbered accordingly:

Thirteen million, six hundred thousand dollars (\$13,600,000) to the Department of Finance and Administration on behalf of the Tennessee Board of Regents, to be allocated and expended for the purpose of the following two capital outlay projects:

\$4,100,000 for Volunteer State Community College, renovation of the Old Library; and

\$9,500,000 for University of Memphis, renovation of Brister Library;

expressly including erection, renovation, expansion, improvement, repairs, demolition, betterments and equipment for these existing structures.

Rep. McDaniel moved that the House non-concur in Senate Amendment(s) No(s). 1 to **House Bill No. 1794**, which motion prevailed.

MESSAGE FROM THE SENATE

May 28, 1997

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 342; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 342 -- Memorials, Personal Achievement - Andrew "Drew" Rugby Presswood, Eagle Scout. by *Miller J.

MESSAGE FROM THE SENATE

May 28, 1997

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 226, 331, 340, 341 and 344; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Joint Resolution No. 226** -- General Assembly, Studies - Continues select joint committee on veterans' affairs. by *Womack, *Crowe, *Crutchfield, *Herron, *Williams.

Senate Joint Resolution No. 331 -- Memorials, Recognition and Thanks - Beverly Bitler, Executive Secretary, Senator Randy McNally. by *McNally, *Cohen, *Miller J.

Senate Joint Resolution No. 340 -- Memorials, Interns - Laura Partin. by *Gilbert.

Senate Joint Resolution No. 341 -- Memorials, Interns - Stephen Smith. by *Gilbert, *McNally.

Senate Joint Resolution No. 344 -- Memorials, Recognition and Thanks - Linda V. Bauch, American Petroleum Institute. by *Atchley, *Burks, *Carter, *Cohen, *Cooper, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsea, *Ford J, *Fowler, *Gilbert, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Jordan, *Koella, *Kurita, *Kyle, *Leatherwood, *McNally, *Miller J, *Person, *Ramsey, *Rochelle, *Springer, *Wilder, *Williams, *Womack, *Atchley.

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Supplemental Consent Calendar for May 28, 1997:

House Resolution No. 113 -- Memorials, Personal Achievement - Bradley Carroll, Pleasant Valley High School, East Tennessee FFA Star Farmer Award. by *Goins.

House Resolution No. 114 -- Memorials, Public Service - W. Troy Beets, Roane County School Board member. by *Ferguson.

House Resolution No. 115 -- Memorials, Interns - Kim Renae Nelson. by *Rhinehart.

House Resolution No. 116 -- Memorials, Interns - Dawn M. Krasnow. by *Cole (Dyer), *Kisber, *Head.

House Resolution No. 117 -- Memorials, Interns - Thomas Shane Corum. by *Cole (Dyer), *Kisber, *Head.

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House Resolution No. 118 -- Memorials, Interns - Chamise Sibert. by *Hood, *Bone, *Sands.

House Joint Resolution No. 396 -- Memorials, Sports - Lena Summers, State Pentathlon winner. by *Hicks, *Cole (Carter).

House Joint Resolution No. 397 -- Memorials, Interns - Kevin Arnett Chumney. by *Chumney, *Haley, *Hargett, *Pleasant, *Kernell, *Bowers, *DeBerry L, *DeBerry J, *Turner (Shelby), *Turner (Hamilton), *West, *McMillan, *Buck, *Phillips.

House Joint Resolution No. 398 -- Memorials, Academic Achievement - Jody Daniels, Valedictorian, Forge Ridge High School. by *Goins.

House Joint Resolution No. 399 -- Memorials, Academic Achievement - Amy Tudor, Salutatorian, Cornersville High School. by *Fowlkes, *Beavers.

House Joint Resolution No. 401 -- Memorials, Interns - Shannon Boston, Salutatorian, Powell Valley High School. by *Goins.

House Joint Resolution No. 402 -- Memorials, Academic Achievement - Jennifer Sandefur, Valedictorian, Powell Valley High School. by *Goins.

House Joint Resolution No. 403 -- Memorials, Retirement - Barbara M. Frye. by *Godsey.

House Joint Resolution No. 404 -- Memorials, Sports - Bernie Webb. by *Godsey.

House Joint Resolution No. 405 -- Memorials, Sports - Beech High School girls' softball team, TSSAA Class AAA state champions. by *Stamps.

**SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Supplemental Consent Calendar for May 28, 1997:

Senate Joint Resolution No. 331 -- Memorials, Recognition and Thanks - Beverly Bitler, Executive Secretary, Senator Randy McNally. by *McNally, *Cohen, *Miller J.

Senate Joint Resolution No. 340 -- Memorials, Interns - Laura Partin. by *Gilbert.

Senate Joint Resolution No. 341 -- Memorials, Interns - Stephen Smith. by *Gilbert, *McNally.

Senate Joint Resolution No. 342 -- Memorials, Personal Achievement - Andrew "Drew" Rugby Presswood, Eagle Scout. by *Miller J.

Senate Joint Resolution No. 344 -- Memorials, Recognition and Thanks - Linda V. Bauch, American Petroleum Institute. by *Atchley, *Burks, *Carter, *Cohen, *Cooper, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsea, *Ford J, *Fowler, *Gilbert, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Jordan, *Koella, *Kurita, *Kyle, *Leatherwood, *McNally, *Miller J, *Person, *Ramsey, *Rochelle, *Springer, *Wilder, *Williams, *Womack, *Atchley.

SUPPLEMENTAL CONSENT CALENDAR

House Resolution No. 113 -- Memorials, Personal Achievement - Bradley Carroll, Pleasant Valley High School, East Tennessee FFA Star Farmer Award. by *Goins.

House Resolution No. 114 -- Memorials, Public Service - W. Troy Beets, Roane County School Board member. by *Ferguson.

House Resolution No. 115 -- Memorials, Interns - Kim Renae Nelson. by *Rhinehart.

House Resolution No. 116 -- Memorials, Interns - Dawn M. Krasnow. by *Cole (Dyer), *Kisber, *Head.

House Resolution No. 117 -- Memorials, Interns - Thomas Shane Corum. by *Cole (Dyer), *Kisber, *Head.

House Resolution No. 118 -- Memorials, Interns - Chamise Sibert. by *Hood, *Bone, *Sands.

House Joint Resolution No. 396 -- Memorials, Sports - Lena Summers, State Pentathlon winner. by *Hicks, *Cole (Carter).

House Joint Resolution No. 397 -- Memorials, Interns - Kevin Arnett Chumney. by *Chumney, *Haley, *Hargett, *Pleasant, *Kernell, *Bowers, *DeBerry L, *DeBerry J, *Turner (Shelby), *Turner (Hamilton), *West, *McMillan, *Buck, *Phillips.

House Joint Resolution No. 398 -- Memorials, Academic Achievement - Jody Daniels, Valedictorian, Forge Ridge High School. by *Goins.

House Joint Resolution No. 399 -- Memorials, Academic Achievement - Amy Tudor, Salutatorian, Cornersville High School. by *Fowlkes, *Beavers.

House Joint Resolution No. 401 -- Memorials, Interns - Shannon Boston, Salutatorian, Powell Valley High School. by *Goins.

House Joint Resolution No. 402 -- Memorials, Academic Achievement - Jennifer Sandefur, Valedictorian, Powell Valley High School. by *Goins.

House Joint Resolution No. 403 -- Memorials, Retirement - Barbara M. Frye. by *Godsey.

House Joint Resolution No. 404 -- Memorials, Sports - Bernie Webb. by *Godsey.

House Joint Resolution No. 405 -- Memorials, Sports - Beech High School girls' softball team, TSSAA Class AAA state champions. by *Stamps.

***Senate Joint Resolution No. 300** -- Highway Signs - "L. B. Hassler Bridge," Obey River branch, Dale Hollow Lake on S.R. 42/111, Pickett County. by *Burks, *Davis L, *Henry.

Senate Joint Resolution No. 331 -- Memorials, Recognition and Thanks - Beverly Bitler, Executive Secretary, Senator Randy McNally. by *McNally, *Cohen, *Miller J.

Senate Joint Resolution No. 340 -- Memorials, Interns - Laura Partin. by *Gilbert.

Senate Joint Resolution No. 341 -- Memorials, Interns - Stephen Smith. by *Gilbert, *McNally.

Senate Joint Resolution No. 342 -- Memorials, Personal Achievement - Andrew "Drew" Rugby Presswood, Eagle Scout. by *Miller J.

Senate Joint Resolution No. 344 -- Memorials, Recognition and Thanks - Linda V. Bauch, American Petroleum Institute. by *Atchley, *Burks, *Carter, *Cohen, *Cooper, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsea, *Ford J, *Fowler, *Gilbert, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Jordan, *Koella, *Kurita, *Kyle, *Leatherwood, *McNally, *Miller J, *Person, *Ramsey, *Rochelle, *Springer, *Wilder, *Williams, *Womack, *Atchley.

Rep. Walley moved that all members voting aye on Senate Joint Resolution No. 344 be added as sponsors, which motion prevailed.

Rep. Phelan moved that he and Rep. Curtiss be added as sponsors to House Resolution No. 115, which motion prevailed.

Rep. Ferguson moved that all members voting aye on Senate Joint Resolution No. 344 be added as sponsors, which motion prevailed.

Pursuant to **Rule No. 50**, Rep. Fitzhugh moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes.....	97
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odum, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Robinson moved to suspend the rules to re-open the House Transportation Committee to hear House Bill No. 1408, which motion prevailed.

MESSAGE FROM THE SENATE

May 28, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1793. The Senate refused to recede from its action in adopting Amendment(s) No(s). 1, 2, 3, 5 and 10.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

HOUSE ACTION ON SENATE MESSAGE

House Bill No. 1793 -- Appropriations - Defrays expense of operating state government for fiscal year 1997-1998. by *McDaniel, *Kisber, *Stamps, *Davis R, *Walley, *Bittle, *Boyer. (*SB1698 by *Henry, *McNally, *Gilbert, *Atchley, *Elsea, *Person, *Leatherwood, *Jordan, *Miller J, *Ramsey, *Williams, *Carter, *Crowe, *Koella)

Rep. McDaniel moved that the House refused to recede from its action in non-concurring in Senate Amendment(s) No(s). 1, 2, 3, 5 and 10, which motion prevailed.

CONFERENCE COMMITTEE APPOINTED ON HOUSE BILL NO. 1793

Pursuant to Rule No. 73, Representative McDaniel moved that the Speaker appoint a Conference Committee of the House to meet with a like Committee of the Senate to resolve the differences of the two bodies on House Bill No. 1793, which motion prevailed.

The Speaker appointed Representatives Kisber, Stamps, McDaniel, Hargrove, L. DeBerry, Head, Armstrong, Cole (Carter), Cole(Dyer), Chumney, Kent, Rinks, Rhinehart and Whitson.

MESSAGE FROM THE SENATE

May 28, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1794. The Senate refused to recede from its action in adopting Amendment No. 1.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

HOUSE ACTION ON SENATE MESSAGE

House Bill No. 1794 -- Bond Issues - Authorizes \$135.8 million bond issue to fund state projects. by *McDaniel, *Kisber, *Stamps, *Davis R, *Walley, *Bittle, *Boyer. (*SB1697 by *Henry, *McNally, *Atchley, *Elsea, *Person, *Jordan, *Miller J, *Ramsey, *Williams, *Carter, *Crowe, *Koella, *Fowler)

Rep. McDaniel moved that the House refused to recede from its action in non-concurring in Senate Amendment No. 1, which motion prevailed.

**CONFERENCE COMMITTEE APPOINTED
ON HOUSE BILL NO. 1794**

Pursuant to Rule No. 73, Representative McDaniel moved that the Speaker appoint a Conference Committee of the House to meet with a like Committee of the Senate to resolve the differences of the two bodies on House Bill No. 1794, which motion prevailed.

The Speaker appointed Representatives Kisber, Stamps, McDaniel, Hargrove, L. DeBerry, Head, Armstrong, Cole (Carter), Cole(Dyer), Chumney, Kent, Rinks, Rhinehart and Whitson.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 41: Rep(s). Mumpower as prime sponsor(s).

House Bill No. 1255: Rep(s). Caldwell as prime sponsor(s).

**SIGNED
March 28, 1997**

The Speaker signed the following: Senate Bill(s) No(s). 5, 77, 315, 500, 544, 629, 645, 878, 1182, 1193, 1242, 1325, 1375, 1405, 1467, 1575, 1579, 1758, 1913, 1944, 1987 and 1988; also, Senate Joint Resolution(s) No(s). 84, 99, 101, 179, 196 and 230.

MESSAGE FROM THE GOVERNOR
May 28, 1997

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 600 and 671, also, House Joint Resolution(s) No(s). 54, 142, 286, 302, 303, 304, 305, 306, 307, 308, 310, 311, 312, 313, 314, 315, 316, 317, 320, 321, 322, 324, 325, 326, 327, 328 and 347; with his approval.

COURTNEY PEARRE, Counsel to the Governor.

MESSAGE FROM THE SENATE
May 28, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 244, 744, 892, 1233, 1235, 1336, 1435, 1505, 1523, 1634, 1945 and 1961; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENGROSSED BILLS
May 28, 1997

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 90, 166, 387, 410, 636, 861, 1066, 1110, 1360, 1399, 1401, 1621 and 1822.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE
May 28, 1997

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 329, 332, 333, 334, 335, 336, 337, 338, 339, 340, 342, 343 and 344; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
May 28, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1977 and 2020; both substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 28, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1660; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 28, 1997

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 287; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 28, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1413; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 28, 1997

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1009; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Bill No. 1009** -- Boats, Boating - Enacts "Comprehensive Boating Safety Act of 1997." Amends TCA Title 69, Chapter 10. by *Gilbert, *Atchley.

MESSAGE FROM THE SENATE

May 28, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1421; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 28, 1997

MR. SPEAKER: I am directed to return to the House, House Joint Resolution No. 207; amended, and concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENGROSSED BILLS

May 28, 1997

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 1402.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

MAY 28, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 759; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 28, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1104; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENGROSSED BILLS

May 28, 1997

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 192, 674, 697, 928, 1023, 1036, 1047, 1443 and 1759, also, House Joint Resolution(s) No(s). 196.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENGROSSED BILLS

May 28, 1997

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 396, 397, 398, 399, 401, 402, 403, 404 and 405.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

May 28, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1402; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 28, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1691; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 28, 1997

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 881, 1044, 1352 and 2035; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Bill No. 881** -- State Prisoners - Requires nonindigent inmates serving sentences for second or subsequent felony offenses to reimburse state for various services provided to such inmates. Amends TCA Title 41, Chapter 21. by *Harper.

***Senate Bill No. 1044** -- Motor Vehicles - Requires certificate of convenience and necessity for carriers of household goods and passenger motor vehicles after June 30, 1997, but continues exemption for limousines. Amends TCA Title 55; Title 56 and Title 65. by *Wornack.

***Senate Bill No. 1352** -- Business Organizations - Limits information that professional corporation may be required to include in charter by regulation to that information required by professional corporation statute. Amends TCA Title 48, Chapter 101 and Title 48, Chapter 12. by *Gilbert.

Senate Bill No. 2035 -- Byrdstown - Subject to local approval, revises charter. Amends Chapter 815 of the Private Acts of 1917, and all acts amendatory thereto. by *Burks.

MESSAGE FROM THE SENATE

May 28, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 410, 570, 761, 895, 905, 1329, 1335, 1399, 1719 and 1819; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENGROSSED BILLS

May 28, 1997

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 370, 595, 797, 1042, 1516 and 1758.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

May 28, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1660; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 28, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1073; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 28, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1325; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 28, 1997

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 390, 391, 392, 393, 394 and 395; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 28, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 844 and 1014; both substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 28, 1997

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 330, 341, 345, 346, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388 and 389; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

DELAYED BILLS REFERRED

May 28, 1997

Pursuant to **Rule No. 77**, having been prefiled for introduction, House Bill(s) No(s). 2035 and 2037, was/were referred to the Delayed Bills Committee.

CONSENT CALENDAR

May 28, 1997

The following local bills have been placed on the Consent Calendar for **May 29, 1997**: House Bill(s) No(s). 2026, 2027, 2028, 2029, 2030, 2032 and 2034.

ROLL CALL

The roll call was taken with the following results:

Present 97

Representatives present were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowikes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

RECESS MOTION

On motion of Rep. Hargrove, the House recessed until 9:30 a.m., Thursday, May 29, 1997.